Planning Statement

Certificate of Lawfulness: Proposed Children's Home

9 Greenham Avenue, Liverpool, L33 1RR

BOARDMAN PLANNING

Planning Statement prepared in support of an application under Section 192 of the Town and Country Planning Act 1990 for a Certificate of Lawfulness of Proposed Use, on the basis that the proposed use of the property as a children's home for one child would not be materially different in intensity or character from the lawful Class C3 use of the property, and would not therefore constitute development requiring planning permission.

SITE
9 Greenham Avenue, Liverpool, L33 1RR

APPLICATION TYPE
Certificate of Lawfulness of Proposed Use/Development (Section 192, TCPA 1990)

LOCAL PLANNING AUTHORITY
Knowsley Metropolitan Borough Council

PREPARED BY
Boardman Planning Ltd.

DATE
October 2026

STATUS
Final

1. Introduction

1.1 This statement accompanies an application for a Certificate of Lawfulness of Proposed Use at 9 Greenham Avenue, Liverpool, L33 1RR. The proposal is to use the existing dwellinghouse as a children's home accommodating a maximum of one child, (currently aged 15), with care provided by two full-time carers who will also sleep at the property.

1.2 The application seeks confirmation that the proposed use would not constitute a material change of use from the existing lawful Class C3 dwellinghouse use and would therefore be lawful without planning permission. It concerns the specific occupation described in this statement, rather than an unrestricted use of the premises as a children's home.

1.3 The proposed accommodation would retain the physical arrangement of a single dwellinghouse. The supplied floor plan identifies a kitchen, dining room and lounge at ground-floor level, with three bedrooms and a bathroom above. It does not show a subdivision into separate residential units or the creation of additional accommodation.

1.4 This statement describes the property and proposed use and explains the relevant statutory framework and case law. The determining question is one of lawfulness, rather than the planning merits of providing a children's home in this location.

2. Site Context

2.1 The application property is an existing two-storey dwelling at 9 Greenham Avenue. The floor plan gives an approximate gross internal area of 84.5 square metres.

2.2 The ground floor contains an entrance hall and staircase, a store, and kitchen. At first-floor level there are three bedrooms, a landing, a store and a bathroom.

2.4 The existing Class C3 dwellinghouse use is the lawful baseline relied upon in this application. The comparison is between that existing use and the particular proposed occupation, assessed by reference to the character and operation of the property as a whole.

3. Proposed Use

3.1 The proposed use is as a children's home for a maximum of one child, currently aged 15, supported by two full-time carers who sleep at the property during their shifts. It is acknowledged that a child receiving full-time care cannot be regarded as forming the single household required for Class C3, and that carers working a rota are not necessarily residents for that purpose. The application therefore rests on the separate question of material change of use. This section explains why the proposed occupation would retain the essential character and operation of the existing dwellinghouse.

3.2 ***Occupancy***: There would be one child placement only, with two carers providing the day-to-day support and sleeping at the property. The normal overnight occupation would therefore comprise three people. The child would have their own bedroom, with the remaining first-floor accommodation available for the carers. The existing kitchen, lounge, dining room and bathroom would serve the occupation together. The property would remain one residential unit, with shared domestic facilities, rather than a collection of independent rooms or separate flats.

3.3 ***Length of stay***: The placement is intended to provide the child with a settled home. The property would be the child's ordinary place of residence, with personal belongings, a private bedroom and an established daily routine. Occupation would not be organised as a succession of short overnight stays or as accommodation for visiting service users. The purpose is to provide continuity and stability for one child within a small domestic setting.

3.4 ***Daily routine***: The child would attend education away from the property, whether mainstream or specialist provision according to their individual needs. The carers would assist with getting ready, meals, school travel and homework in a manner comparable to the practical support provided within a family home. No school or classroom is proposed within the dwelling. Outside education hours, the child would undertake ordinary activities such as shopping, recreation, meeting friends and participating in local clubs or other community activities, as appropriate to their needs and care plan. The lounge would provide shared space for relaxing, conversation, television and leisure, while the dining room would be used for ordinary domestic meals. Meals would be prepared within the existing kitchen and taken together by the child and carers, subject to the flexibility found in any home. The carers would undertake and support washing, laundry, cleaning, food preparation and other household tasks. The child would be encouraged to participate in those activities according to their age and ability, helping develop the practical skills and independence associated with growing up in a domestic household.

3.5 ***Health care and appointments:*** Medical, dental and other appointments would take place away from the house through the relevant community services. The carers would help arrange and attend appointments where needed. The property would not operate as a clinic or provide treatment facilities for other people. Any visits associated with the child's care would be incidental to their residence and would need to be considered in that context, rather than treated as evidence of a separate medical or consultation use.

3.6 ***Staffing***: Two full-time carers would provide the child's care and sleep at the property during their shifts. Their duties would include supervision, emotional support, preparing meals, helping with daily routines, supporting education and accompanying the child to activities and appointments. Those tasks would take place within the ordinary accommodation of the house. The provision of two carers reflects the support arrangement for this child; it does not enlarge the placement capacity or introduce a service for people who do not live there. The proposal does not include separate institutional staff accommodation. The carers' sleeping arrangements would be accommodated within the existing bedrooms and their use of the kitchen, bathroom and living rooms would be part of the residential operation.

3.7 ***Rota and overnight care***: The carers would sleep at the house while working a rota, rather than occupy it as their permanent home. Overnight presence would allow support to continue within the same domestic environment. Staff changeovers would be associated with maintaining that care arrangement. The existence of a rota does not, of itself, establish a material change of use. The relevant consideration is the overall character and intensity of the occupation, comprising continuous care for one resident child within an existing house.

3.8 ***Traffic and parking***: Journeys would principally relate to the child's education, shopping, recreation and appointments, together with carers travelling to and from their shifts and visits connected with the placement. Many of those purposes are the same as journeys arising from ordinary residential occupation. The planning submission is that, at the scale of one child and two carers, these activities need not create a materially different use of the dwellinghouse.

3.9 ***Deliveries and waste***: The domestic requirements would be those of one child and the carers supporting that placement. Food, household goods, laundry and refuse would arise from ordinary residential living. The proposed use does not include a catering service, storage or distribution activity, or the collection of waste from other premises. The nature and volume of supplies and waste would therefore be related to the needs of this small home rather than a wider commercial operation.

3.10 ***External appearance and layout***: No external building works form part of the described proposal. The existing ground-floor kitchen, dining room and lounge and the first-floor bedrooms and bathroom would be retained. The house would not be subdivided, and no enlargement is proposed to accommodate additional placements. The plans do not identify a reception, consulting room, treatment room, classroom or separate office suite. The use would be accommodated within the existing domestic arrangement and the property would continue to have the physical character of a dwellinghouse.

3.11 ***Residential characteristics***: The child would live in the property as their home and the carers would support everyday domestic life there. Shared meals, ordinary household tasks, education away from the premises and community activities would provide the framework for daily occupation. Care records, safeguarding procedures and regulatory oversight are features of the care arrangement, but their existence does not, without an assessment of their land-use effects, establish that the house would acquire a materially different planning character. The relevant consideration is how the property would function as a whole, including the scale and pattern of activity associated with its management.

3.12 ***Legal framework***: Section 55(1) of the Town and Country Planning Act 1990 includes a material change in the use of buildings or land within the definition of development. Section 192 allows an applicant to seek confirmation that a proposed use would be lawful if instituted at the date of the application. The determining issue is therefore whether this particular proposal would amount to development requiring planning permission. It is not an assessment of whether a children's home is desirable as a matter of planning policy. The proposed use must be sufficiently described to allow its character and intensity to be compared with the actual existing lawful dwellinghouse use.

3.13 ***Use-class classification:*** Class C3(b) of the Town and Country Planning (Use Classes) Order 1987, as amended in England, concerns dwellinghouse occupation by no more than six residents living together as a single household where care is provided. The numerical limit is not a standalone exemption for small children's homes. Article 2 additionally includes personal care of children within the Class C2 definition of care. In the present case, the child would require adult support and the carers would work a rota rather than live permanently at the premises. The planning case does not depend on treating their sleep-in shifts as permanent residence or on establishing Class C3(b) solely from the number of occupants. Even if the proposed use is classified as C2, permission is required only if the change from the existing C3 use is material. No general permitted development right to change from C3 to C2 is relied upon.

Relevant case law

3.14 North Devon District Council v First Secretary of State [2003] EWHC 157 (Admin): This judgment concerned a three-bedroom dwelling providing care for two children, with two non-resident staff on duty at a time and a team working eight-hour shifts. The house retained ordinary domestic accommodation and activities. The Court rejected the conclusion that the children and rotating carers formed a C3 household, but upheld the Inspector's alternative finding that the change to C2 was not material. That outcome is expressly recorded in paragraph 14 of R (Crawley Borough Council) v First Secretary of State and Helberg (trading as the Evesleigh Group) [2004] EWHC 160 (Admin). North Devon therefore supports the distinction central to this application: falling outside C3 does not automatically mean that a material change of use has occurred. Here there would be one child rather than two, with two carers sleeping at the premises. That modest scale supports the comparison, although the actual operational effects must still be assessed.

3.15 Crawley and the single-household test: In Crawley [2004] EWHC 160 (Admin), paragraphs 29 to 32, the Court explained that the household question depends on the specific facts, and that full-time care by non-resident carers does not invariably prevent adults receiving care from forming a household. The judgment concerned adults with learning difficulties and distinguished the position of children. It is not relied upon to suggest that the single child at Greenham Avenue can form a household independently. Its relevance is the need to apply the statutory criteria to the actual occupation, while keeping use-class classification separate from the issue of material change.

3.16 Wigston appeal: In APP/L2440/X/24/3337830, 2 Ashton Close, Wigston, decided on 4 December 2024, the Inspector considered a three-bedroom dwelling proposed for one young person and two carers. One carer would live permanently on site and the other would work rotating 24-hour shifts. At paragraphs 6 to 8, the Inspector classified the use as C2 but considered materiality separately. Paragraphs 9 and 10 found that the scale of occupation, daily journeys and regulatory requirements would not give rise to a material change from the authorised dwellinghouse use. The appeal was allowed and a certificate issued. The similarities with Greenham Avenue are the single child placement, two carers and existing three-bedroom domestic accommodation. Both carers here would work a rota, so the staffing facts differ; nevertheless, the decision shows why carer movements must be assessed for their actual effects rather than treated as automatically material.

3.17 Hipperholme appeal: APP/A4710/X/25/3365545, Flat 1, Mytholme Ridge, Halifax Old Road, Hipperholme, decided on 27 July 2026, is particularly relevant. The proposal involved up to two children, two carers during the day and two carers sleeping overnight on a rota; the carers did not have their main residence there. The Inspector classified the use as C2 but allowed the appeal. Paragraphs 7 to 10 considered the shared domestic accommodation, retained appearance, daily shift journeys, school and appointment trips and occasional management or professional visits, finding no material change from the authorised dwellinghouse use. This provides a close comparison for the sleep-in rota at Greenham Avenue. The present proposal involves one child rather than two. The decision does not determine this application, but demonstrates that non-resident carers sleeping at a small home on a rota are compatible with a finding of no material change, where the overall operation retains its domestic character.

3.18 These judgments establish the relevant legal approach; the appeal decisions illustrate its application to particular facts. The Wigston and Hipperholme certificates were granted despite the Inspectors' C2 classifications. They are therefore directly relevant to an application seeking confirmation of lawfulness without insisting that every aspect of the arrangement meets Class C3. Taken together, they provide support for considering this small home through its actual occupation, daily routine and associated activity, rather than deciding that permission is required from the description 'children's home' alone.

3.19 ***Government guidance***: The Written Ministerial Statement of 23 May 2023, Planning for accommodation for looked after children, recognises that permission is not required in every case, including where a home remains within Class C3 or where a change to Class C2 is not material. Planning Practice Guidance on lawful development certificates, paragraphs 17c-005, 17c-006 and 17c-009, requires a precise description of the proposal and makes clear that the decision concerns lawfulness rather than planning merits. The application

should accordingly identify the one-child placement and sleep-in care arrangement accurately, supported by the operational details relevant to assessing its effects.

3.20 ***Application to Greenham Avenue***: The property would remain one house containing its existing kitchen, dining room, lounge, three bedrooms and bathroom. One child would occupy it as a settled home, with two carers sleeping there during their shifts. Daily life would involve shared meals, household tasks, off-site education, community activities and appointments. There is no proposed increase in accommodation, subdivision into separate units or provision of facilities serving a wider group of users. These characteristics support the submission that the purpose and physical operation of the property would remain essentially residential.

3.21 The materiality assessment also encompasses activity associated with staffing and the management of the placement. The appropriate comparison is with the actual existing lawful dwellinghouse use. The modest scale, shared domestic accommodation and ordinary daily routine provide a strong basis for the application. The authorities considered above show that staff changeovers and visits associated with care do not automatically cross the threshold of material change; their significance must be considered in the context of the residential use as a whole.

3.22 For those reasons, it is submitted that the specific proposed use would retain the essential character of the lawful dwellinghouse use and would not amount to development requiring planning permission. The certificate sought is confined to a maximum of one child supported by two carers sleeping at the property on a rota. A materially different scale or pattern of operation would fall to be assessed separately.

4. Conclusion

4.1 This application seeks a Certificate of Lawfulness of Proposed Use under section 192 for the use of 9 Greenham Avenue, Liverpool, L33 1RR as a children's home for one child, currently aged 15, supported by two full-time carers who sleep at the property while working a rota.

4.2 The statement has demonstrated the proposed domestic manner of occupation, including a settled placement, shared living accommodation and meals, ordinary household tasks, education and appointments away from the premises and participation in community life. The existing three-bedroom layout would be retained, with no subdivision or enlargement of the house.

4.3 North Devon establishes that classification outside Class C3 does not by itself resolve whether a material change of use has occurred. The Wigston and Hipperholme appeal decisions provide closely relevant examples of certificates being granted for small children's homes classified as C2, including care delivered through rotating staff and sleep-in arrangements.

4.4 Having regard to the limited occupation, retained accommodation and domestic operation described, it is submitted that the specific proposed use would not materially change the character of the existing lawful dwellinghouse use for the purposes of section 55. The application is supported on the basis of the one-child placement and the domestic care arrangement described in this statement.

4.5 It is respectfully requested that the Authority grant a Certificate of Lawfulness of Proposed Use confirming that the described use would be lawful without planning permission.