

Regeneration and Economic Development Department

APPLICATION NO: 21/00845/CLU

APPLICANT: Anthony Nolan

WARD AFFECTED: Whiston & Cronton

DEVELOPMENT: CERTIFICATE OF LAWFULNESS FOR USE OF FORMER RESIDENTIAL DWELLING AS A CHILDRENS HOME FOR A MAXIMUM OF 4 NO. CHILDREN (RETROSPECTIVE)

LOCATION OF SITE: 91-92 The White House, Cronton Road, Cronton, L35 1QJ

KNOWSLEY LOCAL PLAN ALLOCATION –

Sustainable Urban Extension - Land South of M62, Cronton

RELEVANT POLICIES

Town and Country Planning Act 1990 (as Amended)

PLANNING HISTORY

Several applications have been approved including an application for the erection of a detached dwelling in connection with children's care home use. (06/00961/FUL –approved 4/1/2007).

TECHNICAL CONSULTATIONS:

N/A

NEIGHBOUR NOTIFICATION:

N.A

ISSUES AND ASSESSMENT:

PROPOSAL

The application is a lawful development certificate for the use of former residential dwelling as a children's home for a maximum of 4 persons (Retrospective).

Town and Country Planning Act 1990 as amended

The key question is whether it has been demonstrated that the property has been in continuous use as a children's home for a period of 10 years and is therefore immune from enforcement action*.

** As the site has been used as a children's care home for a period of 10 years, the question of whether it would constitute a material change of use is not materially relevant.*

Document Reference	Document Issue Number	Document Issue Date
PS/DC/OP04/05	003	23/9/02

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Supporting Evidence

The applicant has submitted Ofsted Inspection reports in relation to the use of the property as a children's care home that covers the years 2010 - 2019 and 2021. Whilst this is not a complete record of 10 consecutive years, it is considered that on the balance of probability, that the site has been used as a children's care home continuously for a period of 10 years. The continuous use of the premises is a more plausible scenario than the alternative of the care home use being stopped and restarted during this period. There is no evidence available to suggest any cessation of the care home use during this period. This view is also supported by the previous application which was approved for a care use and was granted in 2007. This suggests that the care home use has been in existence for more than 10 years.

RECOMMENDATION:

The proposal constitutes a lawful development for which planning permission is not required.

Andrew Hunt

25 November 2021

Alan Kilroe

30 November 2021

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