

## **Regeneration and Economic Development Department**

**APPLICATION NO:** 21/00680/CLU  
Limited

**APPLICANT:** Quality Protects Children

**WARD AFFECTED:** Prescott North

**DEVELOPMENT:** CERTIFICATE OF LAWFULNESS FOR USE OF FORMER RESIDENTIAL  
DWELLING AS A CHILDRENS HOME FOR A MAXIMUM OF 3 NO.  
CHILDREN (RETROSPECTIVE)

**LOCATION OF SITE:** 1 Park Road, Prescott, L34 3LN

### **KNOWSLEY LOCAL PLAN ALLOCATION –**

Primarily Residential Area  
Prescot Conservation Area

### **RELEVANT POLICIES**

N/A

### **PLANNING HISTORY**

None Relevant

### **TECHNICAL CONSULTATIONS:**

N/A

### **NEIGHBOUR NOTIFICATION:**

No notification was undertaken on the above application, However, one objection has been received from Councillor Smith consisting of the following main points.

- A number incidents and complaints have been brought to my attention concerning activities at this address.
- I understand the police have to visit the property on numerous occasions, due to disturbances.
- The neighbours have concerns having their peace and quite disturbed,
- That the local authority was unaware that the building had been used for the purpose of providing care as a children's home for many years now.
- The application seems to be rather late in the day
- If what I've been told, is true I would object to the application for the above reasons.
- The local authority needs to be aware of such businesses especially those providing care to vulnerable children.

### **ISSUES AND ASSESSMENT:**

### **PROPOSAL**

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

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The application is a lawful development certificate for the use of former residential dwelling as a children's home for a maximum of 3 persons.

### **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.*

### **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 2011 - 2012, 2014 - 2017, and 2019 - 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.

### **Other Considerations**

In relation to other matters such as noise and incidents at the premises, the application process of a lawful development certificate, is solely concerned with whether the use is lawful, not whether there would be potential impacts on other properties. The remit of the lawful development certificate process does not allow consideration of impacts on neighbouring amenity.

### **RECOMMENDATION:**

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

Andrew Hunt

17 November 2021

Alan Kilroe

30 November 2021

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