

APPLICATION NO: 26/00223/CLD

CASE OFFICER: Kate Pickles

WARD: Cherryfield

PARISH:

LOCATION: 55 Broad Lane, Southdene, Kirkby, Knowsley, L32 6QB

PROPOSAL: CERTIFICATE OF LAWFUL DEVELOPMENT FOR A CHANGE OF USE FROM USE CLASS C3 (RESIDENTIAL) TO USE CLASS C2 (CHILDRENS HOME) FOR A MAXIMUM OF 1NO. CHILD.

Site description

The application property is a two-storey, terraced dwellinghouse set within a rectangular plot fronting on to Broad Lane. The property is situated within a Primarily Residential Area and is adjacent to Southdene community centre and Memorial Park.

Proposal

A Certificate of Lawful Development for the proposed change of use from a residential dwellinghouse (Use Class C3) to a Children's home (Use Class C2) for 1no child. The only child residing at the premises would be aged between 7 – 18 years old.

The proposal would involve the young person being looked after by carers, drawn from a small pool of staff assigned to the dwelling (6 people), operating on a shift basis and supported by one manager. There would usually be no more than 2 carers present during the daytime and no more than 2 carers present overnight.

There will be 2 carers per day doing a day and night shift (same staff members). Shift pattern is 10 am start - 10 pm (10 pm-8 am sleep) this will be done by the same 2 carers who are in the day sleeping over. Carers shifts will be 2 days on 4 days off so the same staff will be there consistently for two days.

A member of the Social Services team would be required to visit once every 6 weeks, with an Ofsted visit taking place every 12 months. There would be a registered manager assigned to the property who would visit the property on an ad-hoc basis between 9am-5pm Monday to Friday. The manager would not work out of the property full time.

Consultations

N/A

Representations

N/A

Planning history

N/A

Relevant policy

The Town and Country Planning (Use Classes) Order 1987 as amended

Assessment

The key questions are whether the proposal would:

- a. Fall within Class C3 of the Town and Country Planning (Use Classes) Order 1987 as amended (the UCO).
- b. Whether the changes would constitute a material change of use.

Class C3

Use Class C3 of the UCO is sub-divided into 3 parts: C3(a) use by a single person or by people to be regarded as forming a single household; C3(b) use as a dwellinghouse where care is provided for residents; and C3(c) use by not more than six residents living together as a single household where no care is provided to residents.

North Devon District Council V First Secretary of State (2003) EWHC 157

In North Devon District Council V First Secretary of State, the court held that the concept of living together as a household means that a proper functioning household must exist and thus, for the use to fall within Use Class C3(b), the children and carer(s) must reside in the premises. Otherwise, the use clearly falls within Class C2 Use for the provision of residential accommodation and care to people in need of care (other than a use Class C3 (dwelling houses)).

Planning Practice Guidance (PPG)

The government's PPG states that whether a material change of use would occur and to what degree is based on the individual merits of the case

“When does a change of use require planning permission? A change of use of land or buildings requires planning permission if it constitutes a material change of use. There is no statutory definition of ‘material change of use’; however, it is linked to the significance of a change and the resulting impact on the use of land and buildings. Whether a material change of use has taken place is a matter of fact and degree and this will be determined on the individual merits of a case.

If planning permission is required for change of use, there may be permitted development rights which allow change of use without having to make a planning application.

Paragraph: 011 Reference ID: 13-011-20140306

Revision date: 06 03 2014”

Change of use

The proposed use would involve a maximum of 1 child at the premises. The presence of just 1 child is a factor in favour of the change not being material. The presence of 2 adults and 1 child permanently at the premises would result in less persons than that of a typical family and would not be materially greater in terms of impact than a typical residential family use. A manager would also be present at the property part of the time during 9-5 on weekdays. Should a manager be present during a time where shift changeover was taking place there would be a maximum of 6 people at the property every 2 days. Up to 6 individuals could live at the property as a shared residence which would be within the deemed C3 Residential Use without planning permission being required.

The proposed change of use is not considered to be materially different from the current use as a residential property which would allow for up to 6 individuals to reside there.

Therefore, it is considered that a change of use would take place, but this change would not be material and therefore constitutes a lawful development.

Conclusion

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

Schedule 1

Date received	Drawing. No	Revision	Drawing/Document Title
11/05/2026			Proposed Plans
11/05/2026			Location Plan

Signed Case Officer: Kate Pickles

Signed Authorising Officer: Jo Sheridan

Date: 26/06/2026

Knowsley Council
Regeneration and Economic Development Directorate.
Delegated Planning Report

¹ I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

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