

<u>APPLICATION NO:</u>	25/00411/CLD	<u>CASE OFFICER:</u>	Andrew Hunt
<u>WARD:</u>	Cherryfield	<u>PARISH:</u>	N/A
<u>LOCATION:</u>	61 Elizabeth Road, Field Lane Estate, Knowsley, L10 4XJ		
<u>PROPOSAL:</u>	CERTIFICATE OF LAWFULNESS FOR CHANGE FROM RESIDENTIAL DWELLING (USE CLASS C3) TO ADULT CARE HOME (USE CLASS C3 (b) FOR A MAXIMUM OF 2NO. ADULT WITH LEARNING DISABILITIES		

Site Description

The application site is a semi detached dwelling within a triangular plot on the corner of Elizabeth Road. The site is surrounded by other dwellings to the north, east and west. The River Alt is further to the south of the site.

Proposal

The proposal is for a certificate of lawfulness for a change from residential dwelling (Use Class C3) to adult care home (Use Class C2) for a maximum of 2no adults with learning disabilities.

- There would be a maximum of 2 adults between the ages of 18 and 25.
- There would be a manager who would visit the property 3–4 times per week for a total time of 5-10 hours per week.
- There would be a team of 2-3 staff on a rota system.
- There would normally be 1 carer at the property, however there would be 2 staff during a handover period. Handovers would take place at 08:00 and 20:00.

Consultations

N/A

Representations

N/A

Planning History

74/00529/HIST - PLOT 129 FIELD LA FAZAKERLEY :- ERECTION OF GARAGE – granted - 27.01.1975

Relevant Policy

General Permitted Development Order (2015) (as Amended)

Assessment

PROPOSAL

The proposal is for a certificate of lawfulness for proposed use of residential dwelling as a residential care home for 2 adults. The set up of the home would be two adults living at the home with a 24 hour support system network, with 1 staff on site at any one time, and a manager occasionally visiting during weekday hours. The building is an existing residential dwelling (C3).

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

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).

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 dwelling house 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 within Class C3 (dwelling houses))'.

R (Crawley Borough Council) v Secretary of State for Transport and the Regions (2004)

In R(on the application of Crawley Borough Council) v FSS and Eve Helberg [2004] EWHC 160 (Admin) considered the North Devon Case and in effect found that it should not be taken as setting down a principle, but that each case should be considered on its merits noting that if carers are not resident, there remains a perfectly sensible question whether those resident (those in receipt of care) themselves constitute a single household. This accords with the North Devon case where the conclusion was noted as 'generally', not 'always'.

Proposed Use

Assessment

Change of Use

In relation to the proposed use, there would be a maximum of 2 adults at the premises. The set up of the home would be two adults living at the home with a 24 hour support system network, with 1 staff on site at any one time, and a manager occasionally visiting during weekday hours.

The residents would be able to carry out the following independently:

- Personal hygiene tasks, such as brushing teeth, washing face with supervision as needed and showering with prompts and reminders as needed.
- Meal preparation: basic tasks such as making snacks or using a microwave.
- Household chores, such as tidying their room, changing their bedding, loading the washing machine
- Participating in community-based activities, such as shopping and doing social activities, typically with some staff guidance or accompaniment
- Making personal choices about their routine and preferences.
- Taking prescribed medication independently if capacity and risk assessments support this.

The following activities would need the assistance of staff:

- Managing finances and budgeting, including help with benefits and safeguarding against exploitation, in line with individual care plans.
- Meal preparation and cooking, with supervision or hands-on assistance where required for safety.
- Medication administration, where assessed needs indicate support is necessary.
- Navigating complex social interactions, attending appointments and accessing the community.
- Maintaining personal hygiene, in situations where prompts, reminders, or light physical assistance may be required.
- Supporting emotional wellbeing, including reassurance, problem-solving guidance and therapeutic engagement techniques.
- Safety-related tasks, such as using household appliances safely or practicing road safety in the community.

It is considered that the activities carried out by the residents of the home are sufficient to demonstrate a degree of independence that would result in the formation of a Household. The occupants are able to cook basic meals and do basic household chores by themselves with more complex activities being supported by staff. The presence of just 1 member of staff at a time (with infrequent manager visits) is also a factor that suggests a high degree of independence. As a result, the two individuals are considered to form an independent household.

It is therefore considered that the proposed use class is C3 (b) and that a change of use would not take place at the premises.

Conclusion

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

Signed Case Officer¹: **Andrew Hunt**

**Signed Authorising
Officer²:** **Alan Kilroe**

Date: **25/7/25**

Informatives

N/A

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

2 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