

Knowsley Council
Regeneration and Economic Development Directorate.
Delegated Planning Report

APPLICATION NO: 25/00319/CLD **CASE OFFICER:** Andrew Hunt

WARD: Northwood **PARISH:** N/A

LOCATION: 34 Birkin Road, Southdene, Kirkby, Knowsley, L32 6RW

PROPOSAL: CERTIFICATE OF LAWFULNESS FOR RESIDENTIAL DWELLING
(USE CLASS C3) TO CHILDRENS CARE HOME (USE CLASS C2)
FOR A MAXIMUM OF 1NO. CHILD

Site Description

The application site is a mid terraced dwelling set within a rectangular plot at Birkin Road, Kirkby. The site is surrounded by other dwellings to the north, west, and south with a grassed area to the east.

Proposal

The proposal is for a certificate of lawfulness for proposed use of residential dwelling as a residential care home for 1 no Child.

- There would be a maximum of 1 child between the ages of 7 and 17.
- There would be a pool of 6 staff at the dwelling plus a manager who would visit the property on an ad hoc basis during 9-5 Monday to Friday.
- There would normally be 2 or 3 staff at the property (including a manager), however there would be 4 staff during a handover period.
- Shift pattern is 10 am start - 10 pm (10 pm-8 am sleep)
- Staff would work on a rota basis (2 days on 4 days off).
- In terms of other planned visits there would be social service visits every 6 weeks and an annual Ofsted inspection.

Consultations

N/A

Representations

N/A

Planning History

N/A

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 1 no Child. The set up of the home would be one child living at the home with a 24 hour support system network, with 2 staff on site at any one time, and a manager undertaking site visit between 9 to 5 on weekdays. Carers shifts would be 2 days on 4 days off. The shift handover would take place at 10am.

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).
- b. (if required 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 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))'.

Proposed Use

Guidance

In relation to the whether the application would constitute a material change of use. The governments planning practise guidance states that whether a material change of use is a matter of fact and degree based on the individual merits of a 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”

Assessment

Change of Use

In relation to the proposed use, there would be a maximum of 1 child at the premises. The set up of the home would be one child living at the home with a 24 hour support system network, via 2 care staff on site at any one time, and a manager visiting during 9 – 5 weekdays. Staff would work a 2 days on 4 days off shift rota based system. The proposed nature of the home would be a solo provision placement for just one young person.

As the carers would live at the premises and there would be 2 staff at the premises, the use falls under the C2 use class. A manager also would supervise the property during 9 – 5 on weekdays. It is therefore considered that a change of use would take place at the premises.

Material Change of Use

In relation to whether the change of use would be material, the presence of just 1 child is a factor in favour of the change not being material. The presence of a manager on site can be a factor which increases the chances of there being a material change, but it is not a decisive factor by itself. The presence of 2 adults and 1 child permanently at the premises would result in less persons than that of a typical family. The impact would not be materially greater than a typical family use. A manager would also be present part of the time during 9-5 weekdays. Furthermore, up to 6 individual persons could live at the property as a shared residence which would be within the deemed C3 Use without planning permission being required and which could have considerably more movement to and from the property than the use under consideration.

It would be materially different to a site where there were two or three children at the site and a manager and carers.

Therefore, it is considered that change of use would take place, but that this change is not material.

Conclusion

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

Signed Case Officer¹:

Andrew Hunt

**Signed Authorising
Officer²:**

Jo Sheridan

Date:

03/06/2025

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