MANCHESTER CITY COUNCIL
Planning
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planning@manchester.gov.uk
PO Box 532 Town Hall
Manchester M60 2LA

Application for a Lawful Development Certificate for a Proposed use or development.
Town and Country Planning Act 1990: Section 192, as amended by section 10 of the Planning and Compensation act 1991.
Town and Country Planning (Development Management Procedure) (England) Order 2015

Publication of applications on planning authority websites.

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

1. Site Address

Number	226
Suffix	
Property name	
Address line 1	Errwood Road
Address line 2	
Address line 3	
Town/city	Manchester
Postcode	M19 1HX

Description of site location must be completed if postcode is not known:

Easting (x)	386931
Northing (y)	392416

Description

2. Applicant Details

Title	Mr
First name	Ian
Surname	Baistow-Davies
Company name	
Address line 1	12 Admiral Way
Address line 2	Hyde
Address line 3	
Town/city	Hyde

2. Applicant Details

Country	United Kingdom
Postcode	SK14 4TU

Are you an agent acting on behalf of the applicant? ○ Yes ◉ No

Primary number	
Secondary number	
Fax number	
Email address	

3. Agent Details

No Agent details were submitted for this application

4. Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations? ○ Yes ◉ No

Does the proposal consist of, or include, a change of use of the land or building(s)? ○ Yes ◉ No

Has the proposal been started? ○ Yes ◉ No

5. Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

The application is for the use of a residential property as a home for 2 young people and 2 carers. This will involve some renovation of the property, clearing of the garden and cosmetic improvement of the property inside, new windows, clearing the garden. No extensions are being built.

The factual background of this application is the planning permission for a dwellinghouse in the physical form in which the building currently exists being continued to be used as a residential property but as a residential home for children. This alteration to a children's home does not change the class of the property and the activities carried out on the property will be the same, as a residential property.

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

Select the use class that relates to the existing or last use. Please note that following changes to Use Classes on 1 September 2020, the list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. See help for more details on Use Classes.	C3 - Dwellinghouses

Information about the proposed use(s)

Select the use class that relates to the proposed use. Please note that following changes to Use Classes on 1 September 2020, the list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. See help for more details on Use Classes.	C3 - Dwellinghouses

Is the proposed operation or use ◉ Permanent ○ Temporary

5. Grounds for Application

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

The application is for the use of a residential property as a home for 2 young people and 2 carers. This will involve some renovation of the property, clearing of the garden and cosmetic improvement of the property inside, new windows, clearing the garden.

The factual background of this application is the planning permission for a dwellinghouse in the physical form in which the building currently exists being continued to be used as a residential property but as a residential home for children.

The legal background is contained in the Town & Country Planning (Use Classes) Order (SI 1987 764) and relevant case law as discussed below.
Use Classes Order - The relevant use classes are:
"C2", Residential Institutions, defined as:
"Use for the provision of residential accommodation and care to people in need of
care (other than the use within class C3 [dwellinghouse]) use as a nursing home,
use as residential school, college or training centre"; and
Class C3, Dwelling House defined as:
"Use as a dwellinghouse (whether or not as a sole or main residence)-
a) by a single person or by people living together as a family; or
b) by not more than 6 residents living together as a single household
(including a household where care is provided for residents)

I note there have been recent changes to these classes but an understanding that the application can still be referenced using the previous class system.
The Proposed Use - The relevance of the two use classes set out above is firstly as follows.
The lawful existing use of this property is as a Class C3 Dwelling House, it is submitted that there will be insufficient occupancy to fall within C2.

Within Class C3, the existing use could be either pursuant to part a) or part b),
but which of these is not actually relevant because they are within the same use
class and so there is, by the operation of the Order itself, no need for planning
permission to pass from one to the other.

The Proposed Use - It is argued that the proposed use as a childrne's home falls within Class C3(b). This is because there would not be more than six residents living together and they are arguably living together as a single household, and various care is being provided for the residents.

So, appeal decisions have found that even where staff providing care to other residents are on a shift system living in their own homes the property is still within
the use class C3 (b). This was the case with at least two appeals reported in
Development Control Practice.

In one of these, four residents were looked after by three staff on a shift system providing 24-hour cover with one of them staying on the premises from maximum of eight hours (Enfield 11/7/06). In another case an inspection noted that residents and staff would share all facilities and take meals together, that it was a group home and not a care home.

6. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? ◉ Yes ○ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ○ The agent
- ◉ The applicant
- ○ Other person

7. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application? ○ Yes ◉ No

8. Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:
(a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent. ○ Yes ◉ No

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

9. Interest in the Land

Please state the applicant's interest in the land

9. Interest in the Land

- ○ Owner
- ○ Lessee
- ○ Occupier
- ◉ Other

If Other, please give the names and addresses of anyone who has an interest in the land and state the nature of their interest (if known)

Have they been informed of the application? ◉ Yes ○ No

10. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them. ☑

Date (cannot be pre-application) 01/03/2021