Statement to support a Lawful Development Certificate application

128 Heaton Park Road
Blackley
Manchester M9 0QQ

'Use of premises as a home for up to four children or young people with up to two full-time resident carers' sleeping overnight and living together as a single household.'

30/03/2019

1. I am writing on behalf of my client 'Invigor Adolescent Care', who is seeking confirmation that the proposed use of 128 Heaton Park Road, Blackley (C3a uses) as a small specialist children's home falls within use class C3b of the Use Classes Order and therefore as both uses are within Class C3, planning permission is not required.

2. In order to achieve Ofsted registration, 'Invigor Adolescent Care' is required to provide written confirmation that the homes will be lawful and acceptable from a planning perspective.

3. It is clearly essential for 'Invigor Adolescent ' to create the right care setting for children who, through no fault of their own, have suffered a difficult upbringing. The idea is to provide as close as possible, a family environment, with the carers providing the parental guidance which has been so lacking in their early years.

4. The small family home that it plans to set up will provide the safety and security needed for the specialist care the children require. Care is needed to overcome their early childhood trauma and hopefully build their self-esteem and skills to have the same life opportunities as non-institutionalised children.

5. This is done by providing small family units where residential carers help them develop the social and life skills they will need when they no longer live within an institution. Without such homes and positive interventions, these children when they leave the controlled environment of care homes will often end up in adult institutions, suffering from long term health problems.

Invigor Adolescent Care– specialist children's residential care homes

6. 'Invigor Adolescent Care' is a specialist owner operator with a leadership team that has excelled for over 30 combined years in providing a high quality of care and achieving an unrivalled reputation for looking after children, receiving a high number of Ofsted outstanding rated services in the residential children's homes sector.

7. Extract from mission statement: 'We are constantly thriving to ensure that children receive the best possible unconditional care, education and therapy, that they have an absolute entitlement to, to help them make a sense of their past, their present and support them in building the necessary skills to successfully transition into adulthood'.

8. **Creating the right environment in the right location**

9. It is clearly essential for 'Invigor Adolescent Care' to create the right care setting for children who have suffered a difficult upbringing. The small family home that they plan to set up will provide the safety and security needed for the specialist care the children require.

Planning use

10. 'Invigor Adolescent Care' has identified a local property that is considered suitable for use as a small, specialist children's home. This will accommodate up to four children or young people, with up to two members of staff sleeping on a shift basis on the premises to provide 24-hour care.

11. In order to achieve Ofsted registration, they are required to provide written confirmation that the homes will be lawful and acceptable from a planning perspective.

12. Under the Town and Country Planning (Use Classes) Order 1987 (England) (As amended), C3b is defined as 'not more than six residents living together as a single household where care is provided for residents.' This falls within the same use class C3, as C3a, 'a single person or by people to be regarded as forming a single household.' As such, no change of use would take place and hence planning permission would not be required.

13. Another issue of relevance relates to the number of people forming the 'household'. It was established in case law (a judgment of the Court of Appeal in R (Hossacks) v Kettering BC (2002) EWCA Civ 886) that "the limit in class C3 to no more than six persons is an important consideration as with no more than that number, it would be more likely that a person would be living as part of a single household than if it were significantly more than six; the smaller the number of occupants, the more intimate, integrated and cohesive their occupancy would be likely to be and more likely they are to be regarded as a single household.'

Living together as a Single Household

14. It is also maintained there is no material difference in planning terms between the proposed use and a typical residential household, to necessitate a requirement for planning permission. It is important to confirm that the nature of the specialist home provided by 'Invigour Adolescent Services' will ensure that the use falls within class C3b. The carers, working on a shift basis will effectively live at the dwelling house to provide 24-hour care, as a single household. Facilities such as the bathroom/wc, kitchen and living rooms, will be shared and the living mode will be communal. The comings and goings associated with the use will not be materially different from a typical residential household.

Conclusion

15. It is contended that the existing use of the property falls with C3a of the Use Classes Order and that the proposed use falls within C3b. As both uses are in the same use Class C3, a change of use from one to another would not amount to development in accordance with section 55(2)(f) of the Town and Country Planning Act.

16. Planning permission is accordingly not required for the proposed use which could lawfully place within the subject premises and a Lawful Development Certificate should therefore be granted.

17. It is hereby requested that a Certificate of Lawful Development be granted for the use of 128 Heaton Park Road, Blackley, Manchester M9 0QQ as a dwelling house to be occupied as a home for up to four child or young person with up to two full-time resident carers' sleeping overnight and living together as a single household.