MANCHESTER CITY COUNCIL

**Julie Roscoe,**

**Head of Planning**

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PO Box 532 Town Hall
Manchester M60 2LA

Jane Dickman,
Dickman Associates Ltd.,

(Sent via email).

Date: 1st October 2013

Our Ref: CPG/

Dear Madam,

**Use of part of dwellinghouse as a day nursery.**

**Location: 109 Seymour Road South, Clayton, Manchester.**

I write further to your meeting of 3rd September 2013 with my assistant Carl Glennon and your email of 11th September 2013, which details the timescale for the use of part of the above dwellinghouse as day nursery with the remainder of the accommodation retained for residential purposes.

The above dwellinghouse does not have planning permission to allow its use as a day nursery. From the information that you have provided it is apparent that your client, as a registered child minder, provided care for 3 children within the dwellinghouse between 1986 and 1990. Although it is unclear as to whether the number of children receiving care increased during this time, it would appear that child-minding continued on a small-scale basis up to 2007,.

Whilst it may be argued that child-minding for 3 children was initially ancillary to the main residential use, it is considered that the nature of the business operation changed from 2007 onwards when child-minding became a distinct use within the building. This assertion is made on the basis that:

i. There was a change to the Ofsted registration, which allowed 12 children to be cared for. This was followed by further expansion of the child-minding business in

2008, with the reclassification of your client's Ofsted registration to allow a larger scale of care to be undertaken for up to 18 children;

ii. A conservatory was constructed, which provided additional living space for both the residents of the house and the formation of use as part of the child-minding business;

iii. The business supported the employment of 4 full-time and 3 part-time staff.

In such circumstances, it is considered that the nature of the child-minding business was materially changed by its intensification thereby requiring planning permission. As the use, as undertaken from 2007 onwards, has not been continuously for a period of 10 years, it is neither exempt from enforcement action nor can it regularised through a Certificate of Existing Lawful Development. If the currently unauthorised use is to continue, it will be necessary for retrospective planning application to be submitted.

It is recognised that your client has operated her business and there are no records of any planning enforcement complaints being received in relation to the child-minding business. Details of how to submit an application can be found via the following web-link:

http://www.manchester.gov.uk/info/200074/planning/5865/planning/3

In this case your client may wish to provide a supporting statement detailing how the business operates, with particular attention to:

i. Details of the maximum number of children that are cared for, including after school provision;
ii. Opening hours;
iii. Numbers of staff and parents travelling to and from the premises at the busiest times;
iv. Details of child care registration.

The submitted supporting statement, accompanying your email of 11th September 2013, makes reference to the erection of extensions to the rear of the property and asserts that these additions were constructed under householder permitted development rights. Without details of the dimensions and siting of these extensions it is not possible to confirm whether they met permitted development requirements at the time of their construction. However, I can confirm that these extensions would appear to be exempt from enforcement action as more than 4 years has elapsed since their substantial completion. If your client wishes to regularise the status of these extensions a Certificate of Existing Law Development may be submitted with appropriate supporting information.

The above advice is given on the basis of the information available to the City Council at this time. This advice may be subject to alteration as a result of consultation or if further information is brought to the attention of the City Council, which materially affects the consideration of this matter.

Please contact my assistant Carl Glennon on telephone number 0161-234 4530, if you require any further assistance.

Yours faithfully,

Derek Jones
Group Manager,
Development Control North