MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	143206/LP/2025
Date registered valid:	23 June 2025
Proposal:	Use of property as Supported Living Accommodation for Vulnerable Adults (Use Class C2)
Address:	Seymour Care Home, 327 North Road, Manchester, M11 4NY
Ward(s):	Clayton & Openshaw Ward
Applicant:	Philip Heimann Seymour Ventures Ltd
Agent (if any):	Mr Sam Golding Gold Sketch Studios Ltd
Case officer:	Robert Tyrer Tel: 0161 234 4068 Email: robert.tyrer@manchester.gov.uk

Recommendation: Grant

Date of recommendation: 12 August 2025

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Certificates of lawfulness

Date of site visit: Not Required.

Standard consultations:
No consultations have been printed and sent.

Neighbour notifications
No neighbour notifications have been printed and sent.

Site notice
No site notice has been produced

Press advert
No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building and area

The application site relates to a large part single part storey brick built building set within a large plot featuring a tarmacadam surfaced forecourt and pathways either side of the property that lead to a large rear garden.

The surrounding area is predominantly residential in nature located to the east of the City Centre.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

A certificate of lawfulness of proposed use of the property as Supported Living Accommodation for Vulnerable Adults (Use Class C2).

Consultations & Notification Responses

None Required - There is no statutory requirement to consult third parties including neighbours; views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application.

Legislative Issues

Sections 191 and 192 of the Town and Country Planning Act 1990 provide for anyone (not just a person with a legal interest in the land) to apply to the local planning authority (LPA) for a lawful development certificate (LDC). A certificate is a statutory document certifying:

(1) in the case of an application under section 191, the lawfulness, for planning purposes, of existing operations on, or use of land, or some activity being carried out in breach of a planning condition; or

(2) in the case of an application under section 192, the lawfulness of proposed operations on, or use of land.

The onus of proof in regard to (1) is firmly on the applicant and the issue of a certificate will depend on the on factual evidence provided about the history and planning status of the building or other land and the interpretation of any relevant planning law or judicial authority. The relevant test of the evidence in this matter is “the balance of probability” and the applicants own evidence does not need to be corroborated by independent evidence. If the LPA have no evidence to contradict the applicants version of events or make them less then probable, there is no good reason to refuse the issue of a certificate.

In regard to (2), this provides that, if the LPA are supplied with information satisfying them that the use or operations described in the application would be lawful, if instituted or begun at the time of the application, they shall issue a certificate to that effect; and, in any other case, they shall refuse the application.

In short, the purpose section 192 is to enable any person who wishes to find out whether any proposed use or operations would be lawful to apply to the LPA for that purpose

The application needs to describe the proposal with sufficient clarity and precision to enable the LPA to understand (from a written description and plans) exactly what is involved in the proposal; and to submit whatever supporting information or legal submission that are to be relied upon in order to satisfy the LPA that a certificate should be granted for the proposal.

In making their decision on an application under section 192, the LPA ask themselves the hypothetical question - "If this proposed change of use had already occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?" In doing so, the LPA will not only consider whether the proposal would involve "development" requiring an application for planning permission, but whether it would involve a breach of any existing condition or limitation imposed on a grant of planning permission which has been acted upon, and which therefore constrains what can be done on the land. The LPA will not make a proposal fit a scenario; the only question is whether the proposal made by the applicant is lawful at the time of submission.

Planning History

There have been 14 previous planning applications at this address, details of the latest six are provided below.

139012/LP/2024 - Use of property as a residential care home (Use Class C2) – Application Approved - 29.02.2024

050270/FO/NORTH2/96- First Floor extension at side of rest home to form two additional bedrooms – Application Refused - 17.10.1996

044482/FO/NORTH2/93 - Single storey rear extension to form additional bedrooms for residential care home Application Refused - 30.12.1993

042814 - Proposed single storey rear extension to form five bedrooms and lounge/conservatory – Application Refused - 18.02.1993

032870 - Erection of a two storey rest home.
Application Approved - 22.12.1988

031917 - Two storey rear extension and change of use from a dwellinghouse to a rest home - Application Approved - 01.09.1988

030975 - Two storey rear extension and change of use from a dwellinghouse to a rest home - Application Refused - 28.04.1988

The Application

This application is pursued under subsection (1) of section 192, which provides for an application to determine whether any proposed use or operations would be lawful for planning purposes.

The Town and Country Planning (Use Classes) Order 1987 (as amended) ("UCO") defines Class C2 'Residential Institutions' as follows:

> *Use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3 (dwellinghouses)),*
> *Use as a hospital or nursing home,*
> *Use as a residential school, college or training centre.*

The applicant seeks to use the existing property as supported living accommodation for vulnerable adults, specifically those with learning disabilities and autism, and has submitted this application for a Certificate of Lawful Proposed Development.

The existing property is currently vacant. However, the planning history of the site, shows that the property has a long-standing history as a residential nursing home (Class C2) with no intervening uses. The applicant has provided details on the previous operation which accommodated up to 27 adults, in individual bedrooms, supported by shared communal facilities including kitchen, WCs, bathing facilities. Care was provided by live in staff on a 24/7 basis.

The proposal would accommodate a reduced number of tenants with a maximum of nine individuals, each occupying a self-contained apartment, with ensuite facilities. In addition to the private living spaces, the scheme includes communal areas such as shared activity room and dedicated staff areas (e.g. offices, storage rooms etc).

Carers will be present on site 24 hours a day, seven days a week, with a minimum of three to four staff members available during daytime and evening hours. Staff will also live on site on a rotational basis to ensure continuous support.

Under Article 2 of the UCO, "care" is defined as personal care for people in need of care by reason of old age, disablement, past or present dependence on alcohol or drugs, or past or present mental disorder.

The wording of the UCO makes clear that Class C2 applies to care homes that do not fall within Class C3 (dwellinghouses). Notably, Class C3(b) covers use as a dwellinghouse by no more than

six residents living together as a single household, including where care is provided. It is evident from the wording of the UCO that there is no intended overlap between these two use classes.

Given the planning history and the nature of the proposed use, it is accepted that the development would fall within Class C2. As such, the proposal does not constitute a material change of use, and would not be development as defined by Section 55 of the Town and Country Planning Act 1990.

The application for a Certificate of Lawful Proposed Development is therefore considered to be acceptable.

Lastly, there are no known conditions attached to any previous planning permission which would restrict the use in such a way as to prevent any such change being made.

Other Legislative Requirements
Equality Act 2010
Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations
This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved polices of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Grant

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1) The established use of the property falls within Class C2 (Residential Institutions) of the Town and Country Planning (Use Classes) Order 1987 (as amended). The proposed use as supported living accommodation for vulnerable adults also falls within Class C2, as it involves the provision of care to residents. Therefore, the proposed use would not be materially different to the existing use and is not development as defined by Section 55 of the Town and Country Planning Act 1990.

Appendix 1 – List of consultees & neighbours notified

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Coal Authority - Development Low Risk - Name: DEVELOPMENT_LOW_RISK_AREA
Area Team Boundary - Name: NORTH AREA