



Application for a Lawful Development Certificate for a Proposed Use or Development

Town and Country Planning Act 1990 (as amended)

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.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

9

Suffix

Property Name

Address Line 1

Dunnisher Road

Address Line 2

Address Line 3

Manchester

Town/city

Manchester

Postcode

M23 2YF

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

Easting (x)

381719

Northing (y)

387981

Description

Applicant Details

Name/Company

Title

MR

First name

DAVE

Surname

WOOD

Company Name

Arborvitae Care Services Ltd

Address

Address line 1

246 Europa Boulevard

Address line 2

Westbrook

Address line 3

Town/City

County

Country

United Kingdom

Postcode

WA5 7TN

Are you an agent acting on behalf of the applicant?

☐ Yes

☒ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

***** REDACTED *****

Fax number

Email address

***** REDACTED *****

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

If Yes, please give a full description of the scale and nature of the proposed use, including the processes to be carried out, any machinery to be installed and the hours the proposed use will be carried out

We have been advised that we need to change the use from (Class C3) to (Class C2) and that we do not require planning permission. The house will be used as a Children's Care Home providing care for 1 or 2 children with staff working on a rota basis, with a carer sleeping overnight and would not be materially different to that of a dwelling house.

We were advised by Robert Tyler (Planning Officer, Development Compliance Team Planning, Building Control and Licensing) via email.

If Yes, please fully describe the existing or the last known use, with the date when this use ceased

Last known use = Dwelling House. Ceased on 06/02/2024.

Has the proposal been started?

☐ Yes

☒ No

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

We sought confirmation from a Planning Officer at Manchester Council that the use of the property as a children's home for a maximum of 2 children with no more than two carers sleeping over would still be Classed as C3 use and therefore does not require planning permission. The Manchester planning officer advised that this would form the basis of lawful development. He advised that such a Class has been defined as C2. However, we have approved certificate for use of a dwellinghouse (Class C3) as a Children's Care Home (Class C2), where the applicant has been able to demonstrate that the use of the property providing care for 1 or 2 Children with staff working on a rota basis, with a carer sleeping overnight, would not be materially different to that of a dwellinghouse and therefore would not result in development requiring planning permission.

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

Please see attached email thread between ourselves (Arborvitae Care Services) and Robert Tyrer, Planning Officer in the Development Management Compliance Team.

Select the use class that relates to the existing or last use.

C3 - Dwellinghouses

Information about the proposed use(s)

Select the use class that relates to the proposed use.

C2 - Residential institutions

Is the proposed operation or use

☒ Permanent

☐ Temporary

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

Because we have been advised by a planning officer in the local authority area in which the home occupies and we intend on using the home as a normal domestic dwelling as described in this application.

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

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

☒ Yes

☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

***** REDACTED *****

First Name

***** REDACTED *****

Surname

***** REDACTED *****

Reference

Date (must be pre-application submission)

08/03/2024

Details of the pre-application advice received

Please see below the advice we received from the Planning Officer:

To answer your question:

We are seeking confirmation, that the use of the property as a children's home for a maximum of four children (in property 1), maximum of 2 children (in property 2), with no more than two carers sleeping over , is still a Class C3 use and therefore does not require planning permission.

If you are seeking confirmation that the uses do not require planning permission, this should form the basis of a lawful development certificate for each property.

I can advise you informally that such a Class has been defined as C2. However, we have approved certificate for use of a dwellinghouse (Class C3) as a Children's Care Home (Class C2), where the applicant has been able to demonstrate that the use of the property providing care for 1 or 2 Children with staff working on a rota basis, with a carer sleeping overnight, would not be materially different to that of a dwellinghouse and therefore would not result in development requiring planning permission.

The advice in this e-mail is given in good faith on the basis of the information available at the present time. The advice may be subject to revision following further examination or consultation, or where additional information comes to light, and is therefore not binding on any future recommendation that may be made by the Council, or any formal decision by the Council.

I hope this is of assistance to you, and if you wish to discuss any of the matters raised please contact me to discuss.

Regards

Robert
Planning Officer
Development Management Compliance Team
Planning, Building Control and Licensing
Directorate: Growth and Development

Telephone (external): 0161 234 4068
Telephone (internal): 801 34068
Email:- Robert.Tyrer@manchester.gov.uk

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.

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?

- ☐ Yes
- ☒ No

Interest in the Land

Please state the applicant's interest in the land

- ☐ Owner
- ☐ Lessee
- ☒ Occupier
- ☐ Other

If Lessee or Occupier, please give details of the owner and state whether they have been informed in writing of this application

***** REDACTED *****

Declaration

I/We hereby apply for Lawful development: Proposed use as described in the questions answered, details provided, 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.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Dave Wood

Date

03/03/2025