CAROLINE TAMWORTH PLANNING

Planning and Development

APPLICATION FOR LAWFUL DEVELOPMENT CERTIFICATE FOR PROPOSED USE OR DEVELOPMENT

PROPOSED CHANGE OF USE OF DWELLING (USE CLASS C3) TO CHILDREN'S HOME FOR UP TO 2 CHILDREN WITH CARER ACCOMMODATION (USE CLASS C2)

6 CAISTOR CLOSE, MANCHESTER, M16 8NW

PLANNING STATEMENT

Prepared On Behalf of Exertive Care Group Ltd

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1.0 The Site

1.1 The application relates to an end property of a row of three two storey brick dwellings on Caistor Close in the Whalley Range area of Manchester.

1.2 Living accommodation comprises a kitchen, living room, conservatory and W.C. to the ground floor and three bedrooms and a bathroom to the first floor. The dwelling holds a corner position with a detached garage, driveway and amenity space to the front and rear which is enclosed by timber fencing.

1.3 The surrounding area is residential in character.

1.4 A site location plan is provided.

The application site

2.0 The Proposal

2.1 The application seeks a lawful development certificate for the use of the dwelling (currently planning use class C3) as a small children's home (planning use class C2).

2.2 The home will accommodate up to 2 children and provide single occupation bedrooms for each child, shared living facilities and sleep in carer accommodation. The home will be OFSTED registered and accommodate children between the ages of 7 and 18.

2.3 The proposed use will be staffed on a rota system rather than carers living at the home permanently and as such falls within Planning Use Class C2.

2.4 No external alterations are proposed.

3.0 Justification

3.1 The established use of the site is that of private residential, which is planning use Class C3. The dwelling could at present comfortably accommodate a range of household types such as a couple, a family unit or a group of co-habiting adults as a house share.

3.2 The Town and Country Planning (Use Classes) Order 1987 (as amended) refers under use class C3(b) to '*use as a dwelling house by no more than six residents living together as a single household, (including a household where care is provided for residents)*'. The care could also be for people with mental health problems or learning disabilities. The Order therefore allows for a range of different household types and models.

3.3 If a children's home was being run on the above basis, with children being looked after by a permanent occupant of the dwelling, then planning permission would not be required.

3.4 However, at this site the care providers will work shifts and not reside permanently at the property. In the North Devon District Council vs. The First Secretary of State [2003] Judgment, Lord Justice Collins made the point that children *"need to be looked after. They cannot run a house. They cannot be expected to deal with all the matters that go to running a home … children are regarded as needing fulltime care from an adult, someone to look after them, someone to run their lives for them and someone to make sure that the household operates as it should."*

3.5 The judgment confirms that children are incapable of forming a 'household' for the purpose of Use Class C3 and also clarified that carers who provided 24-hour care but were not resident could not be regarded as forming part of a household. Where the care providers do not live on site the use cannot be considered to fall within planning use class C3 (b) and is a C2 use. An Inspector's decision in 2010 in Stockport stated that the use of premises as a children's home will generally be considered to fall within planning use class C2.

3.6 A 2023 Statement made by Rachel Maclean, Minister of State for Housing and Planning, in relation to planning for accommodation for looked after children reads:

> *"I, with the support of my Rt Hon colleague the Secretary of State for Education, wish to set out the Government's commitment to support the development of accommodation for looked after children, and its delivery through the planning system.*
>
> *The planning system should not be a barrier to providing homes for the most vulnerable children in society……*
>
> *Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country…..*
>
> *Planning permission will not be required in all cases of development of children's homes, including for changes of use from dwelling houses in Class C3 of the Use Classes Order 1987 where the children's home remains within Class C3 or there is no material change of use to Class C2. An application to the local planning authority can be made for a lawful development certificate to confirm whether, on the facts of the case, the specific use is or would be lawful. Where a Certificate is issued, a planning application would not be required for the matters specified in the certificate."*

3.7 In assessing this application for a lawful development certificate as a children's care home it is understood that the local planning authority will consider the nature of the proposed use (a maximum of two children and two adult carers) and whether this is 'materially' different to the use of the property as a typical C3(a) dwelling.

3.8 Case law where an Inspector granted a lawful development certificate for the use of a house in Leicestershire as a children's home (Ref. APP/K2420/X/11/2155849) found that although the proposal would involve a change of use from use class C3 to use class C2, no **material** change of use was involved. The case related to a modern detached house on a residential estate and it was proposed to operate as a care home for children and young people between the ages of 9 and 17 with learning disabilities. That home would provide care for up to three children by non-resident care staff working in shifts. The Inspector noted that the North Devon judgment referred to above provided the authority with the view that use as a care home for children, where carers were non-resident, fell within Use Class C2. He then considered whether the change of use was material. In refusing a lawful development certificate staff numbers were cited by the Council as the sole cause for concern in this judgment. However, having looked at the numbers involved; the Inspector concluded that they were not materially different from what might be expected of a family house. On this

basis he concluded that the proposed use would not, as a use within planning use class C2, amount to a material change of use from planning use class C3 as a dwelling house. The Inspector found that the change of use would not require planning permission and allowed the appeal. Other subsequent appeal decisions for similar care homes, and decisions made by neighbouring local authorities on applications, have reaffirmed this approach including application 137956/LP/2023 which was granted by the Council in November 2023.

3.9 The home will provide high-quality residential care for children and young people who cannot live within their own families and require a period of support and intervention to enable them to feel safe and achieve stability in their lives. The provider will work in partnership with the local authority to provide bespoke support to each child with the view of rehabilitating them back into a family setting, be it with their own families or foster families. The home will deliver individualised care packages to children and young people from a wide range of backgrounds and needs.

3.10 OFSTED requires that children's homes are operated as closely as possible to a typical family household. The proposed home will strive to provide a substitute family environment or a "home away from home" where children and young people who cannot live within a family can access the right portion of nurture and care needed to support them to transition safely and healthily back into their own families, an alternative family setting, supported accommodation or independent living.

3.11 A minimum stay for a young person at the home will usually be around 6 months with the majority of children staying long-term, depending on the needs of the young person and the requirements of the local authority.

3.12 The home will be staffed by a small team of carers who will work on a rota system. However, not all the staff will be present on site at the same time. There will be two caring staff at the home during the morning period to provide the children with breakfast and help get them ready for the day, and also during the teatime and evening period. During the daytime during school term time there may not be any caring staff present on site, unless the child or children do not attend school, but during school holidays and at weekend, or at any time when the children are at home, there will be one or two members of caring staff present during the day to ensure continuous care for the children. Two members of staff will be on-site overnight. If there is one child living at the home then two allocated staff bedrooms will be provided. However, if there are two children living at the home, one allocated staff bedroom will be provided as the other member of staff will be awake and not require sleeping accommodation. A manager will also visit the home daily Monday to Friday between 09:00 and 17:00 and a social worker is likely to visit each child on an occasional basis. The rota system works well to provide quality 24 hour care for the children with an emphasis on continuity of care for the children by a small, familiar staffing team to create a secure substitute family environment.

3.13 Whilst the staff may not be living at the home on a permanent basis, there will be little actual difference between the proposed use and a C3(a) residential household where the adults forming part of the household may work shifts, extended family take part in the care of the children, or that of a C3(b) use. The bathroom, kitchen and living rooms will all be shared. The comings and goings associated with the use will not therefore be materially different from a typical residential household and the number of people occupying a property of this size overnight will correspond to that of a permanent household.

4.0 Conclusion

4.1 The proposed use will provide quality specialist housing for children in an ideal location enabling integration with the local community and provide good access for the children to outdoor sport and recreation, schools and local shops and services.

4.2 The proposed change of use will result in very minimal change to the overall function of the site and the levels of activities associated with it. Due to the small number of children to be accommodated, along with the low-key staffing arrangements, the home is not likely to generate any more noise, disturbance or coming and goings than would be associated with the existing family sized dwelling.

4.3 The occupants of the proposed home will have access to comfortable accommodation of a size suitable to meet their needs, in particular plenty of shared living space in which to play. The existing outdoor amenity space will be utilised which is of an adequate size and nature for children to play in.

4.4 There is off-street parking provision associated with the dwelling. However, the proposed use should not generate significant levels of the traffic due to the small number of staff that will be present on site at any one time and the accessible location of the site close to public transport links and within walking and cycling distance of the surrounding residential area and local shops and services. The level of vehicle movements associated with the home will not be above or beyond those to be expected in conjunction with the existing family dwelling.

4.5 For the reasons set out above, the proposed use does to constitute a material change of use and as such planning permission for a change of use from planning use class C3 to C2 is not required.

November 2024