



PLANNING STATEMENT

*Application for a Lawful Development Certificate – Change of use of
C3 Dwelling as a C2 Children’s Care Home
101 Slack Road, Manchester, M9 8AZ*

Europa Business Park, Building 67
Bird Hall Lane,
Stockport
SK3 0XA

February 2024

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1.0 Introduction

- 1.1 This application for a Certificate of Lawful Development (LDC) for an proposed use – made under Section 192 of the Town and Country Planning Act 1990 (as amended) – has been submitted in order to seek formal confirmation that the property at 101 Slack Road, Manchester can change to a C2 Children’s Care Home and such a change of use would be lawful.
- 1.2 Although there is no ‘defined’ permitted change between Class C3 to Class C2, there is not considered to be a material change between the two uses and hence, it is considered that planning permission is not required. This application will set out further details on the proposed use and seeks to formally verify this change of use can occur, and hence, seeks for this Certificate to be granted.
- 1.3 The existing building consists of a dwellighthouse (Class C3) - the proposal would fall within Class C2 (Children’s Care Home), as the children residing at the property would be provided with 24 hour care, but by differing carers rather than a single live in one. Despite this, the small size of the property which would be occupied by 1 child with 2 carers, would function like any typical family home, with the aim of creating a warm family environment.
- 1.4 This Statement will demonstrate there would be no material difference between the existing and proposed uses and it is anticipated that the Local Planning Authority will be able to issue a Certificate of Lawful Development confirming that based on this submission, planning permission would not be required.

2.0 Appraisal

- 2.1 The proposal would see the property occupied by one child (a solo placement) who would be cared for a small group of carers – typically 2 carers in a 24 hour period, one of which would sleep overnight in the second bedroom on the first floor. Only at staff changeover time would there be more than 1 carer on-site which would typically take place mid-morning or when there would be occasional visitors (the manager of the home or when a social worker visits that are usually every two weeks).
- 2.2 The child would be between the age of 7 and 16 years old and would be attending school and other sports and social activities as any other child that was living with their family. At home, the environment would similarly replicate that of a family dwellinghouse. Internally, the property would provide a kitchen, living space, two bedrooms as well as a bathroom. The ground floor front room would be used as an office space but that would be no different to a dwellinghouse having a home study used by the occupants.
- 2.3 As the aim is to provide a stable family environment, the child would occupy the property as their sole/main residence. In order to do this, the child would live at the application property for a long period of time, similar to a child in a foster home.
- 2.4 As set out in the introduction, whether the change that is being proposed, from a dwelling house to a children care home is 'material' is a matter of fact and degree relating to the individual circumstances of the case.
- 2.5 Internally, the child and carers would live like anyone occupying the current dwellinghouse – preparing food and eating together, spending time together in the living space and so forth. The child would either be taken to school, or depending on their age and distance to the place of education, would be taken there by the carer like any parent. The carer would also purchase food

and attend to other domestic duties. There would no discernible change in the type of activities or the intensity of activities when compared to a dwellinghouse, including in the use of the rear garden.

- 2.6 In addition to the movements described above with a child attending school or after school sports activities, there would be a staff changeover during the morning. This would however be once a day and comparable to the daily movements of an adult departing or arriving from work. Even assuming both carers have a vehicle, there would be two vehicles parked on the highway near the property. On a road where there is plentiful on-street parking, two vehicles would be very much like two adults in a household having a car each.
- 2.7 There would be the other occasional other visitor as the care home is regulated and requires adherence to various regulations – such as attendance by a social worker or the manager of the care home who would attend during the afternoon (between 12pm and 5pm), but this would again not be significantly different to visitors to a¹ dwellinghouse. As there would not be any family or friends visiting the child at the property, the overall number of movements would be similar to that of a family occupying a dwelling, and the nature of such movements would not result in any undue noise or disturbance.
- 2.8 Externally, there would be no changes to the property and it would continue to appear as a mid-terrace dwelling. The property will continue to appear as a dwellinghouse as well as functioning like one.
- 2.9 Having regard to all of the above evidence, it is considered that would be no material difference between the existing use (C3a) and proposed use (C2) when regard is had to the activities of the occupants at the property and the comings and goings.
- 2.10 This is the position which the Council has adopted on other applications for similar 2/3 bedroom properties which have also proposed changes of use

¹ LPA Reference: 138351/LP/2023, 143 Plant Hill Road, Manchester, M9 6WQ

from dwellings to children's care homes which operate broadly in a similar manner as they are regulated by OFSTED. In one such example, the Council found that a proposal to provide residential care accommodation (Use Class C2) for 2 young persons *"...would not be materially different to that of a dwelling house and therefore would not result in a development requiring planning permission"*. In coming to this conclusion, reference was made to the North Devon District Council v First Secretary of State [2003] judgement where a use that involved the caring for children by non-resident staff would fall within Use Class C2.

3.0 Summary

- 3.1 In considering this application for a Certificate of Lawful Development for the proposed use, the burden of proof is on the applicant, with the relevant test of the evidence being on the balance of probability.
- 3.2 It is considered that given the evidence set out within this application, relating to the existing property and the proposed use in terms of how it would operate with accommodation being provided to a child that would be cared for carers on a rota basis, that there is no material difference between the existing and that proposed. The application property would provide all the facilities for day-to-day living, would be the main place of residence and would function as a dwelling with no noticeable difference in the activity levels at the property or in coming and goings.
- 3.3 It is considered that the 'balance of probability' test is satisfied and that the proposed use, is lawful on the balance of probability, and that a Certificate of Lawful Development should be granted for this use.
- 3.4 Should any further information be required, the LPA is advised to contact the agent.