



**Sheila Wright Planning Ltd.**

## **Planning Statement**

**Certificate of Lawfulness of Proposed Use as Class C3 (b)**

**Site at 7 Halebank Avenue, Withington M20 1EG**

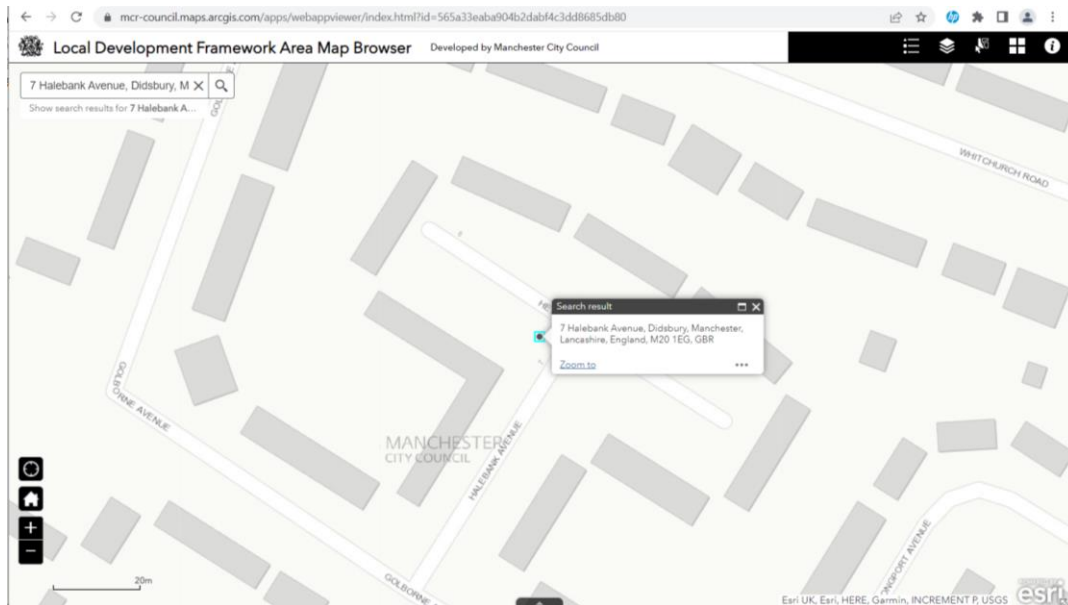
**February 2023**

## **1. Introduction**

- 1.1 This Planning Statement is submitted on behalf of Supreme Start Ltd in support of an application for a Certificate of Lawfulness of Proposed Use for the use of an existing residential property (Class C3(a)) at 7 Halebank Avenue, Withington as a dwellinghouse under Class C3(b) of the Use Classes Order 1987 (as amended).
- 1.2 Supreme Start Ltd is part of a registered child care group. The property is a family home and Supreme Start Ltd intend to use it as a home for up to 4 children and two resident houseparents.
- 1.3 Class C3 (b) is part of the overall C3 Dwellinghouses Class and covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.
- 1.4 The use of a property for another use within the same Use Class is not deemed to be development.
- 1.5 The application is submitted under Section 192 of the Town and Country Planning Act 1990 ('TCPA'). Section 192 (1) allows any person wishing to ascertain whether a proposed use of land or buildings or operational development would be lawful to submit an application to the Local Planning Authority. (LPA). S192 (2) allows an LPA to grant a Certificate of Lawfulness if it is satisfied with the evidence submitted in support of the application.
- 1.6 The remaining sections of this Statement cover the following:
  - 2 The Site and its Surroundings
  - 3 Proposed Development
  - 4 Legal Framework
  - 5 Conclusion

## 2. The Site and its Surroundings

- 2.1 The site is at 7 Halebank Avenue, a semi-detached residential property located in an established housing estate in Withington, as shown on the Council's interactive proposals map below:



- 2.2 Planning permission was granted for a part single, part two storey side extension in 2018 (119837/FH/2018)

### **3. Proposed Development**

- 3.1 The proposal is to use the property as a dwellinghouse to provide a home for up to 4 children and two resident carers in accordance with Class C3 (b).
- 3.2 The house is already in use as a family home and no physical alterations are planned as part of the proposed use.

## 4. Legal Framework

- 4.1 The application is submitted under Section 192 of the Town and Country Planning Act 1990 ('TCPA'). Section 192 (1) allows any person wishing to ascertain whether a proposed use of land or buildings or operational development would be lawful to submit an application to the Local Planning Authority. (LPA). S192 (2) allows an LPA to grant a Certificate of Lawfulness if it is satisfied with the evidence submitted in support of the application.

- 4.2 Use Class C3 Dwellinghouses is formed of three parts as follows:

*C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.*

*C3(b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.*

*C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.*

- 4.3 Section 55(1) of the Town and Country Planning Act 1990 provides the following definition of the meaning of "development":

*"the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land".*

- 4.4 Section 55(2) lists a number of operations or uses of land which shall not be taken for the purposes of the Act to involve development of the land. These include:

(f) *in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the*

*provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.*

## **5. Conclusion**

- 5.1 The proposed use of the house at 7 Halebank Avenue meets the requirements for permitted development. As a home for up to 4 children and 2 adults providing residential care it would fall into Use Class C3(b) which is within overall C3 Dwellinghouse Use Class as the current use as a family home (Class C3 (a)).
- 5.2 As both the existing and proposed uses are within the same Use Class no development is involved and the proposed use would be permitted development.
- 5.3 For these reasons the Council is respectfully asked to grant a Certificate of Lawfulness of Proposed Use.