MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	144703/LP/2025
Date registered valid:	16 December 2025
Proposal:	Use of the dwellinghouse (Use Class C3a) as a children's care home for up to two young people, with two live-in carers working on a rota basis (Use Class C2).
Address:	19 Beresford Street, Manchester, M14 4SB
Ward(s):	Moss Side Ward
Applicant:	Mr Balihar Singh
Agent (if any):	Andrew Ellis A.E. Planning Consultants
Case officer:	Robert Tyrer Tel: 0161 234 4068 Email: robert.tyrer@manchester.gov.uk
Recommendation:	Grant

Date of recommendation: 09 February 2026

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

Application site relates to a two storey mid-terraced dwellinghouse, located in a predominantly residential area.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

The applicant is seeking a certificate of lawful development to allow the use of the dwellinghouse (Use Class C3a) as a children's care home for up to two young people, with two live-in carers working on a rota basis (Use Class C2).

Consultations & Notification Responses

None Required - There is no statutory requirement to consult third parties, including neighbours. Any views expressed by third parties regarding the planning merits of the case, or whether the applicant has private rights to carry out the proposed operation, use, or activity, 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 applicant’s 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 no previous applications at this address.

The Application

This application is pursued under subsection (1) of section 192, which provides for an application to determine whether any proposed use of buildings or other land (s192(1)(a) or operations proposed to be carried out in, on, over or under land, (s192(1)(b) would be lawful for planning purposes.

The application form includes a section titled “Ground For Application” which asks the applicant why they considered that a lawful development certificate should be granted for this proposal, the applicant has responded with the following:

"Proposition 1 - Under the Town and Country Planning (Use Classes) Order 1987 (England) (as amended), C3a uses (a single person or by people to be regarded as forming a single household) and C3b uses (not more than six residents living together as a single household where care is provided for residents) fall within the same use Class at C3. The current use of the property is C3 (a) and the proposed supported living accommodation would be C3 (b).

Proposition 2 - The nature of the proposed use is not materially different from the current use of the property as a family dwelling. In this event, there would be no material change of use requiring planning permission".

In the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved.

Section 192(2), makes it clear that for an application submitted under section 192, *"the local planning authority are provided 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."*

The Proposal

The application property is a two storey mid-terraced dwellinghouse situated within a predominantly residential street.

The submitted drawings show that the property comprises of a lounge, dining room and a kitchen at ground-floor level. The first floor contains four bedrooms and a bathroom. Externally, the property has a rear garden/yard.

In terms of the proposed use, two children aged between 6 and 17 years would live at the property. Care would be provided by two full-time carers on site and supported by a manager would call and be present at the property various times throughout the week. The care staff would cook meals, assist with schoolwork, emotional and physical support and share activities.

Staff would operate on a 24-hour rotational basis, which would include one change over a day at 11am outside of busy times when the majority of the neighbours are at work or school.

The submitted proposed floor plan of the property remains unchanged from the existing use. Each young person would have their own bedroom and would share the kitchen, living room and bathroom.

There is no dedicated off-road parking for the property, however, this situation is no different if it were occupied by a family.

In terms of visitors to the property the applicant has confirmed would be on an infrequent basis and the ones that do occur will be in the daytime, by appointment only outside of peak hours. A social worker would visit once a month, and a therapist would be every two weeks for two to three hours. The children would access all other services such as health and education in the local community as any other family would.

The applicant explains that the proposal aims to closely replicate a regular family home; the onus in this respect is firmly on the appellant to show that its actual use or last known use are not significantly different that that now being proposed. The carers and children would shop and cook meals together in addition to the support provided by the carers.

Change of Use?

Use

The use classes order provides the following definitions:

Use Class C3(b): Covers use as a dwellinghouse (whether or not as a sole or main residence) by not more than six residents living together as a single household, including households where care is provided for residents.

Use Class C2: Covers residential institutions - use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3), which includes homes that provide care for children

It follows that a care home with no more than six residents falls into Class C3(b), unless it involves personal care of children or medical care and treatment. Therefore, only those care homes accommodating more than six adult residents, or which involve personal care of children or medical care and treatment, fall within Class C2. Clearly, there is meant to be no overlap between the Use Classes.

Planning permission is usually required to change from a family Dwellinghouse (Use Class C3) to a Children's Home (Use Class C2). However, where applicants have demonstrated that the use of a property as a children's home would not be materially different to that of a family dwelling house, lawful development certificates have been granted.

One notable case that addresses the conversion from Use Class C3 to C2 is **North Devon District Council v First Secretary of State (2003)**. In this case, the court considered whether a dwellinghouse used to provide residential care for two children fell within Class C2 or C3(b).

The case made clear that children need to be looked after and cannot run a house or deal with all the matters involved in running a home. Children require full-time care from an adult to manage the household and ensure it operates properly. The term "household" implies that its members are capable of functioning as a unit, which includes the ability to manage and run the household.

The judgment clarified that carers who provide continuous 24-hour care but do not live at the premises cannot be regarded as living together with the children, thus falling under Class C2.

However, Class C3 does require at least one residential carer, living together with those who are being cared for.

The question nevertheless arose as to whether there had, as a matter of fact and degree, been a material change of use. On the special facts of this case, the High Court ruled that the use of the premises for up to two children, with care provided by non-resident staff, did not constitute a material change of use from its C3 classification; overall that the proposed use would not result in a definable change in the character of the use of the property compared to the current C3(a) residential use. As such there would be no material change of use.

This case is important for the general principle that it establishes.

Another relevant case is the Appeal Decision for 316 Westrow Drive, Barking. The inspector considered whether the property was being used as a single household (C3 use class) or as a residential care home (C2 use class). The enforcement notice alleged the unauthorised material change of use from a single-family dwelling house (C3 use class) to a residential care home (C2 use class).

The key issue was whether the residents formed a single household and received care, which would classify the use under C3(b) rather than C2. In this case the occupants were young adults and not children. The inspector concluded that the property was being used as a single household where care was provided, fitting within the C3(b) use class. Therefore, the appeal was allowed, and the enforcement notice was quashed.

As highlighted earlier in the report, the applicant has provided two options.

"Proposition 1 - Under the Town and Country Planning (Use Classes) Order 1987 (England) (as amended), C3a uses (a single person or by people to be regarded as forming a single household) and C3b uses (not more than six residents living together as a single household where care is provided for residents) fall within the same use Class at C3. The current use of the property is C3 (a) and the proposed supported living accommodation would be C3 (b).

Proposition 2 - The nature of the proposed use is not materially different from the current use of the property as a family dwelling. In this event, there would be no material change of use requiring planning permission".

The current use of the property is considered to fall within Class C3(a), as a private dwellinghouse and contains four bedrooms and is capable of accommodating a family.

The applicant has since clarified that the care staff would not permanently reside at the address instead, they would be working on a 24-hour rota basis and as such the use would fall within Class C2; the application therefore proceeds, at the applicant's request, for an assessment of the "Proposition 2", therefore ignoring the elements of "Proposition 1" entirely. A certificate can only be provided for one scenario on each application.

The applicant contends that the proposed use would not be materially different to the current use of the property as a family dwelling. As the proposal aims to closely replicate a regular family home. The property would provide the children with their sole and main residents, with free and shared access to living, dining, and kitchen facilities, the children would share meals and undertake domestic chores. The children would also interact with the carers in much the same way as they would with a parent or other adult resident in the property.

The applicant describes that the level of comings and goings would not differ significantly from the existing use. Children would attend education (school/college) in the same way as those living in any family environment.

Conclusion

In this case, it is accepted that the proposed use falls under Class C2, however, its use to care for two children (aged between 6 and 17 years old) would not be materially different from that of a dwelling house (Class C3). This is due to the way the property will be operated and managed. The impact would be similar to that of a family home. Therefore, the proposed use would not result in a development requiring planning permission.

There are no known conditions attached to any previous planning permission that would restrict the use in such a way as to prevent any such change.

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

Whilst falling within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended), the use of the dwellinghouse (Use Class C3a) as a children's care home for up to two young people, with two live-in carers working on a rota basis (Use Class C2) would not represent a material change from the existing use as a Class C3 dwellinghouse.

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
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA