MANCHESTER CITY COUNCIL

Planning

Growth & Development

Delegated officer report for planning application

Application no.	143917/LP/2025
Date registered valid:	30 September 2025
Proposal:	Use of dwellinghouse (Class C3) as a small children's home (Class C2), for up to three young people aged between 7 and 17 years, with up to three carers working on a rota basis to provide 24-hour care.
Address:	2 Queenhill Road, Manchester, M22 4HW
Ward(s):	Northenden Ward
Applicant:	Miss Nasrin Yusaf The Oliver Branch
Agent (if any):	
Case officer:	Robert Tyrer Tel: 0161 234 4068 Email: robert.tyrer@manchester.gov.uk
Recommendation:	**Grant**
Date of recommendation:	25 November 2025

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 six bedroom semi-detached dwellinghouse located within Northenden district centre close to Palatine Road.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

The applicant is seeking a certificate of lawfulness of proposed use to allow the use of a dwellinghouse (Class C3) to a small children's home (Class C2), for up to three young people aged between 7 and 17 years, with up to three carers working on a rota basis to provide 24-hour care.

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 has been one previous application at this address:

142555/LP/2025 – A certificate of lawful development was granted on the 19 June 2025 to allow the use of dwellinghouse (Class C3) as a small children's home (Class C2), for up to three young people aged between 7 and 17 years, with up to three carers working on a rota basis to provide 24-hour care.

The Application

This application is pursued under subsection (1) of section 192, which provides for an application to determine whether any proposed use or operations would be lawful for planning purposes.

Material Change of Use?

The Town and Country Planning (General Permitted Development) Order states that where no more than six residents live together as a single household where care is provided, the lawful use is Use Class C3(b). The term "Care" also applies to Class C2, defined as follows:

- Use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3 (dwellinghouses)),
- Use as a hospital or nursing home,
- Use as a residential school, college, or training centre.

This application seeks a Certificate of Lawful Proposed Development for the use of the property as Use Class C2. The existing lawful use is Class 3(a), and under normal circumstances, there would be no permitted change to Use Class C2. Therefore, an assessment based on 'fact and degree' is necessary to determine whether there is a material change of use.

Proposal/Accommodation and Staff

The proposal involves housing three children/young persons aged between 7 and 17 years who identify as needing residential care due their vulnerabilities and difficulties with behaviours. There will be 24-hour supervision offering support for children depending on their needs. The home will serve medium to long term placements to minimise disruption to the residents.

In terms of accommodation there will be total of five bedrooms which is one less than the existing number of bedrooms. One of the current bedrooms will be converted into a staff office/bedroom on the ground floor, which will also be used by a member of staff for overnight stays.

The ground floor will include a living area, kitchen, dining room, conservatory, and bathroom, along with the office that may also serve as a staff bedroom.

On the first floor, there will be three bedrooms and a bathroom. The second floor will contain a bathroom, an office, and a fourth bedroom.

There are no proposed external changes to the property.

The staffing structure includes:

- A Registered Manager and a Deputy Manager on site Monday to Friday, 09:00 to 17:30, with the managers on call at weekends. responsible for overall management and operation.
- A small team of support workers on a rota basis which accounts for three staff on each shift day and night. Handovers would take place twice a day, one at 09:30 and the second at 21:30.

Visitor and Regulatory Oversight

- **Ofsted Inspections**: One annual inspection and interim monitoring visits, as required.
- **Social Workers**: typically occur four to six weeks
- **Family Members**: Where appropriate and in line with the young person's care plan and risk assessment, family members may visit. These visits are pre-planned and supervised as required.
- **Other**: Regulation 44 monitoring visit every month

Visits are managed to ensure minimal disruption to the young people's daily routine and always prioritise their wellbeing and privacy.

Parking and Transport

The drawings show provision for two off-road car parking at the property, furthermore the area benefits from good public transport provision and no restrictions on street parking on Queenhill Road and there is also a public car park on Mill Lane within a few minutes walk from the property. It should also be noted that the applicant's policy is policy to encourage staff to use public transport or cycle to work and not to allow on street car parking.

Legal Precedent

The case *North Devon District Council v First Secretary of State [2003]* involved a legal dispute over whether the use of a property for residential care of children fell within Use Class C2 (residential institutions) or Use Class C3 (dwelling houses).

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
.
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.

This precedent is significant for determining the classification of properties used for residential care.

The current use of the property is considered to fall within Class C3(a), as a private dwellinghouse and contains six bedroom and could accommodate a typical family with two or three children and two adults. With a sixth bedroom this could accommodate either an additional child or possibly grandparents at the property.

In comparison with the proposal, use of the house as a home for a maximum of three young people and their carers would not be materially different from the authorised use as a family home. The pattern of comings and goings might be different to a private family home in some aspects, but there is no evidence that this would amount to a material change of use. If anything, the tight restrictions on social visits to the house would be likely to lessen the overall number of trips generated.

The dwelling can accommodate at least two vehicles off road and there are no restrictions on the public highway, it is also within walking distance to a public car park and as such carers or visitors may park their vehicle there rather than at the property.

In this case, it is accepted that the proposed use falls under Class C2, however, its use to care for three children aged 7-17 years 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 C3) as a children's home for a maximum of three young people aged between 7 and 17 years, with up to three carers working on a rota basis to provide 24-hour care, would not represent a material change from the existing use as a Class C3 dwellinghouse. As such the change would not amount to development as set out in Section 55 of the 1990 Act and would therefore not require planning permission.

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
Flood Zones Type 2 (low to medium risk) -
Flood Zone Plus Climate Change -
HS2 Phase 2b Safeguarding Zones - HS2 Safeguarding Zones (June 2022)
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (Middle) -
Susceptible to Surf Water Flood (More) -
Susceptible to Surf Water Flood (More) -
Susceptible to Surf Water Flood (More) -
Susceptible to Surf Water Flood (More) -
Area Team Boundary - Name: SOUTH AREA