MANCHESTER CITY COUNCIL
Planning
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PO Box 532 Town Hall
Manchester M60 2LA

Application for a Lawful Development Certificate for a Proposed Use or Development

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number: 4

Suffix:

Property Name:

Address Line 1: Westminster Avenue

Address Line 2:

Address Line 3: Manchester

Town/city: Manchester

Postcode: M16 0AN

Description of site location must be completed if postcode is not known:

Easting (x): 382254

Northing (y): 394559

Description:

Applicant Details

Name/Company

Title

Mr

First name

Asif

Surname

Mughal

Company Name

Keystone Children's Group Limited

Address

Address line 1

4 Westminster Avenue

Address line 2

Address line 3

Town/City

Manchester

County

Manchester

Country

Postcode

M16 0AN

Are you an agent acting on behalf of the applicant?

◯ Yes
⊘ No

Applicant Contact Details

Primary number

***** REDACTED ******

Secondary number

Fax number

Email address

***** REDACTED ******

Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

◯ Yes
⊘ No

Does the proposal consist of, or include, a change of use of the land or building(s)?

⊘ Yes
◯ No

If Yes, please give a full description of the scale and nature of the proposed use, including the processes to be carried out, any machinery to be installed and the hours the proposed use will be carried out

Use of the existing dwellinghouse as a small children's home for up to two children aged 7 to 18, operating as a substitute family environment registered with Ofsted under the Children's Homes (England) Regulations 2015. Each child will have a single-occupancy bedroom on the first floor; living, dining, kitchen and bathroom facilities will be shared with on-site carers in the manner of any household. Care will be provided on a 24-hour rota with a sleep-in arrangement overnight in the dedicated staff room. The number of carers on site at any time will not exceed two, plus the Home Manager during weekday office hours (09:00 to 17:00, Monday to Friday only). Shift changeover takes place once daily at 10:00 to 10:30 with a 30-minute handover overlap, deliberately set outside the school-run and evening peak periods. No machinery or equipment beyond ordinary domestic appliances will be installed. No external alterations are proposed and the only change to the internal layout is the labelling of one first-floor bedroom as a staff room. The use operates 24 hours a day in the same way as any private household. Visitor activity is expected to average one to two pre-arranged visits per month (statutory professionals, family contact, occasional health visits, periodic Ofsted inspection). Full operational detail is set out in the accompanying Planning Statement.

If Yes, please fully describe the existing or the last known use, with the date when this use ceased

C3 dwelling house use is current.

Has the proposal been started?

◯ Yes
⊘ No

Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

The existing use of the property is as a private dwellinghouse (Use Class C3). The property is a Victorian / Edwardian mid-terrace constructed as a dwellinghouse and used as such throughout its history. The use as a single dwellinghouse is its original and continuous use; it has not been the subject of any change of use, enforcement action or planning condition limiting that use. The lawfulness of the existing C3 dwellinghouse use is therefore established both by virtue of the property's original construction and design as a dwellinghouse and by long-established continuous residential use over many decades. No alterations or extensions are proposed.

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

The following documents accompany this application:

Planning Statement (April 2026), prepared in support of this application, addressing the operational detail of the proposed use and the relevant legal authorities and ministerial policy.
Location Plan, scale 1:1250, produced via the Planning Portal.
Existing Ground Floor Plan and Existing First Floor Plan.
Proposed Ground Floor Plan and Proposed First Floor Plan (the only difference from the existing plans being the labelling of one first-floor bedroom as a staff room).
Existing Elevations: Front, Rear and Side.

No proposed elevations are submitted as no external alterations are proposed.

Select the use class that relates to the existing or last use.

C3 - Dwellinghouses

Information about the proposed use(s)

Select the use class that relates to the proposed use.

C2 - Residential institutions

Is the proposed operation or use

- [x] Permanent
- [ ] Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

"Why do you consider that a Lawful Development Certificate should be granted for this proposal?"
The proposed use of the dwellinghouse as a small children's home for up to two children aged 7 to 18, with care provided by non-resident staff on a 24-hour rota, would not amount to a material change of use from the existing C3 dwellinghouse use. The proposal is therefore not development requiring planning permission within the meaning of section 55 of the Town and Country Planning Act 1990, and a Certificate of Lawful Use or Development should be granted under section 192.
The accompanying Planning Statement sets out the basis for this in full, but in summary:

The character of the use of the property would not change in any definable way. The number of overnight occupants (up to two children plus on-shift carers), the daily comings and goings, vehicle movements, daytime occupancy in term time, visitor frequency, external appearance, internal layout, length of occupation and noise profile would each be equivalent to, or less intensive than, the existing C3 dwellinghouse use.
The position is governed by North Devon District Council v First Secretary of State [2003], in which the High Court held that the use of a dwellinghouse for up to two children with care provided by non-resident staff did not amount to a material change of use from C3. The factual parallel with the present application is exact.
The principle in North Devon has been consistently applied in subsequent appeal decisions on closely analogous facts, including the Leicestershire children's home appeal (APP/K2420/X/11/2155849), where a lawful development certificate was granted for a children's home accommodating three children with non-resident staff.
The 2023 Ministerial Statement on planning for accommodation for looked-after children expressly endorses the lawful development certificate route for proposals of this kind and directs local planning authorities to be supportive of such applications. It records that planning permission will not be required where there is no material change of use to Class C2.
The application provides precise operational detail addressing each of the evidential matters identified by the Council in its decision on the previous application 145072/LP/2026 (refused 8 April 2026), in direct response to the Case Officer's express invitation that a further application could be made if more information were produced.

On the precise facts now described, the section 192 test is met on the balance of probabilities and the certificate sought should be granted.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- [x] Yes
- [ ] No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- [ ] The agent
- [x] The applicant
- [ ] Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- [ ] Yes
- [x] No

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:
(a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- [ ] Yes
- [x] No

Interest in the Land

Please state the applicant's interest in the land

- [x] Owner
- [ ] Lessee
- [ ] Occupier
- [ ] Other

Declaration

I/We hereby apply for Lawful development: Proposed use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.
I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.
I/We also accept that, in accordance with the Planning Portal's terms and conditions:
- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☑ I / We agree to the outlined declaration

Signed

Asif Mughal

Date

29/04/2026