Sheila Wright Planning

Planning Statement

Certificate of Lawfulness of Proposed Use as Class C2

(Residential Institutions)



83 Clarence Road, Longsight M13 0ZE

May 2026

1. Introduction

1.1 This Planning Statement is submitted on behalf of Belmont Investors Ltd in support of an application for a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) for the use of an existing residential property (Class C3(a)) at 83 Clarence Road, Longsight as a children's home under Class C2 of the Use Classes Order 1987 (as amended).

1.2 The property is a family home and the intention is to use it as a home for 2 children. The children would be aged between 6 and 18 and would be looked after by qualified and experienced professional staff residing at the property on a shift basis.

1.3 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.

1.4 The Use Classes Order 1987 (as amended) (UCO) defines Use Class C3(a) as use as a dwellinghouse (whether or not as a sole or main residence) by a single person or by people regarded as forming a single household. The subject property was built as a dwellinghouse and has always been in that use. There is no doubt therefore that its lawful use is Class C3(a).

1.5 Case law (the 'North Devon' case, discussed further in Section 4 of this Statement) has determined that children alone cannot form a 'household' and that if their carers do not live permanently at the property, the use would fall into Class C2 of the UCO, rather than Class C3(b).

1.6 Class C2 is defined as use for the provision of residential accommodation and care, other than within a Class C3 use. Examples given are as a hospital, nursing home, residential school, college or training centre.

1.7 Change of use between two Use Classes would normally require planning permission but case law has also demonstrated that where such a change would not be 'material' this would not amount to development and so would not require planning permission.

1.8 This application relates such to a case where the change of use would not be material. The operation of the property as the proposed children's home will not be materially different from the use of the dwellinghouse as a family home.

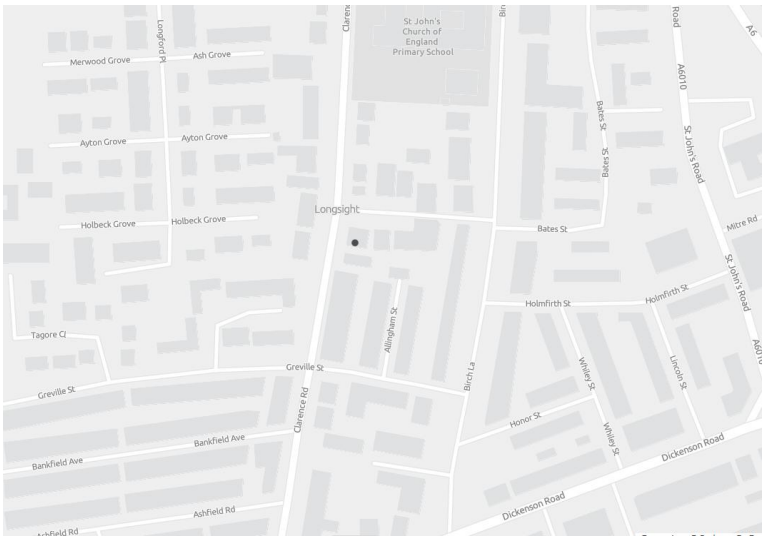
1.9 The Council is asked to confirm this by the granting of a Lawful Development Certificate.

1.10 The remaining sections of this Statement cover the following:

2 The Site and its Surroundings
3 Proposed Development
4 Legal Framework
5 Assessment

2. The Site and its Surroundings

2.1 The site is at 83 Clarence Road, Longsight, and is a semi-detached three bedroomed house located in an established residential area as shown on the extract from Council's interactive Proposals Map below:

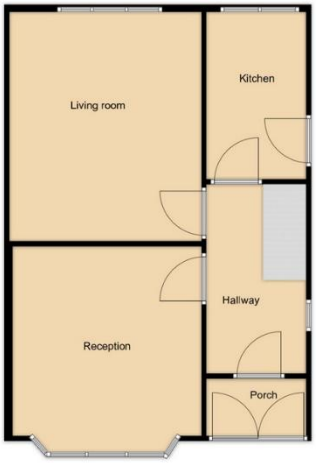
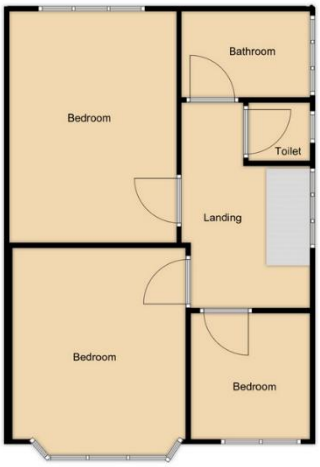


2.2 The house is a family home, pictured in the image below.



Google Image

2.3 On the ground floor there is a kitchen, lounge and reception room. The first floor has three bedrooms, a bathroom and separate toilet. There are gardens at the front and rear. The existing layouts are shown below. (Please refer to application plans for dimensioned versions).

	
Existing Ground Floor	Existing First Floor

2.4 Clarence Road has on-street parking and no parking restrictions. The property is very sustainably located in an urban area with good access to local facilities and services. There is very good access by walking, cycling and public transport.

3. Proposed Development

3.1 The proposal is to use the property, which is an existing family home (Class C3(a)), as a children's home for two children (Class C2).

3.2 The children will range in age from 6 to 18. They will be cared for by a team of qualified professional staff and the aim is to provide a 'home from home' for them.

3.3 There will be two staff members present at all times, including overnight. The two carers would work on 48 -hour shifts, with one change of these staff each day around 9.30am. A manager would arrive each weekday around 9am and work until around 5pm.

3.4 The children's home model is to create a warm and nurturing family style environment for the medium to long-term care of a small number of children. This type of provision is operated in the same manner as a regular family home with two primary carers, to provide consistency and stability to the children who live there (similar to a fostering model). This type of provision, which government policy is promoting, is to help children who often, through no fault of their own, have not had good parenting in their early years.

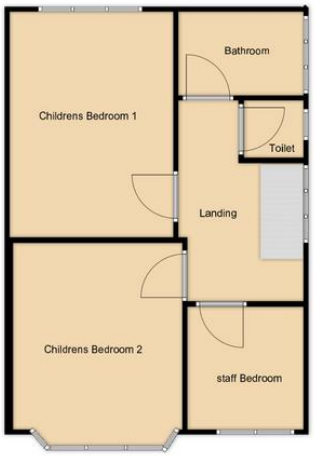
3.5 The proposed children's home seeks to replicate as closely as possible a normal family environment. Indeed it is an Ofsted requirement that such care homes must be run as closely as possible to a typical family household (while accepting staff are employed on a rota basis) to provide the parental support to the children so many have missed in their early years.

3.6 Staff will be recruited locally. All staff will be given extensive training, including induction training and continuing professional development.

3.7 The house is very roomy and has ample space for the number of children and staff involved. No physical alterations to the house are planned as part of the proposed use, either internally or externally, as the building has always been in residential use and has all the space and facilities required for the proposed children's home.

3.8 Each of the children will have their own bedroom and the third bedroom will be used by carers on overnight shifts.

3.9 The proposed floor layouts are shown below:

	
Proposed Ground Floor	Proposed First Floor

3.10 It is the company policy to encourage staff to use public transport (by offering free bus passes or subsidised taxi fares) or cycle to work (with the provision of a secure bicycle rack).

3.11 Notwithstanding this, there is on-street car parking on Clarence Road and the proposed use will not generate parking demand that is materially different from that of a family home. The site is in a highly sustainable location and carers will be recruited locally, giving them the opportunity to walk, cycle or take the bus to and from work. Shift changeovers will generally take place at times when people would normally be departing for or coming back from work.

3.12 It is anticipated that the children will attend local schools and will walk or take public transport. If they go to a school some distance away they will be taken in a vehicle belonging to the home.

3.13 The use of the house as a children's home will therefore not be materially different from its use as a family home. As it will be for only two children and staff who will provide 24 hour care, the associated "comings and goings", nature and scale of use will be indistinguishable from a conventional family home.

4. Legal Framework

4.1 **Town and Country Planning Act 1990**

4.2 **Certificate of Lawfulness of Proposed Use or Development**

4.3 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).

4.4 S192 (2) allows an LPA to grant a Certificate of Lawfulness if it is satisfied with the evidence submitted in support of the application. A certificate issued under this section shall:

- Specify the land to which it relates;
- Describe the use or operations in question;
- Give the reasons for determining the use or operations to be lawful; and
- Specify the date of the application for the certificate.

4.5 The lawfulness of any use or operations for which a certificate is in force shall be conclusively presumed unless there is a material change, before the use is instituted or operations are begun, in any of the matters relevant to such lawfulness.

4.6 **Meaning of "development" and "new development"**

4.7 Section 55(1) of the Act provides that:

4.8 Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "*development*," means "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*."

4.9 Section 55 (2) sets out a list of operations or uses which, for the purposes of the Act, shall not be taken to involve development. 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.*

4.10 **Government Guidance**

4.11 The guidance states that:

A change of use of land or buildings requires planning permission if it constitutes a material change of use. There is no statutory definition of 'material change of use'; however, it is linked to the significance of a

change and the resulting impact on the use of land and buildings. Whether a material change of use has taken place is a matter of fact and degree and this will be determined on the individual merits of a case.

If planning permission is required for change of use, there may be permitted development rights which allow change of use without having to make a planning application.

Paragraph: 011 Reference ID: 13-011-20140306

Revision date: 06 03 2014

4.12 **Use Classes Order 1987 (as amended)**

4.13 Use Class C3 Dwellinghouses includes:

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.

4.14 Use Class C2 Residential Institutions is defined as:

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.

4.15 **Precedent Cases**

4.16 *North Devon District Council v First Secretary of State [2004] 1 P.& CR 38*

4.17 The Court said that two children (in that case aged between 10 and 17), supported by non-resident carers, generally could not constitute a household for the purposes of Use Class C3(b). Collins J said a household needed more than just children, as children "needed to be looked after and they cannot run a house. They could not be expected to deal with all the matters that go to running a home. Children are regarded as needing full- time care from an adult to make sure that a household operates as it should".

4.18 The judgment stated that if carers do not live permanently at the property, the use would fall within Class C2.

4.19 It further went on to say that notwithstanding that a use may fall within Class C2 rather than Class C3, nonetheless planning permission may not be required if the change of use was not a material change of use. It will only be material if, as a matter of fact and degree in the circumstances of an individual case, the change of use was material.

4.20 *Appeal Ref: APP/K2420/X/11/2155849 15 Crownhill Road, Burbage, Hinckley, Leicestershire, LE10 2LD*

4.21 The appeal was for the use of a dwellinghouse as a carehome for up to 3 children between the ages of 9 and 17 with learning disabilities.

4.22 The Inspector concluded that the proposed use fell into Class C2 and that a change of use from a use in Class C3 had taken place. He then went on to consider whether the change was material. He concluded that looking at the numbers of staff involved and the timing and number of vehicle movements (setting aside the potential the potential for the use of car sharing or public transport by staff) they were not materially different from what might be expected of a large family house in which, say, a parent and two teenagers or young adults live together and each uses a car to get to work or college and for socialising.

4.23 The Inspector noted that daytime vehicle movements would coincide broadly with school run periods when there would be similar activity associated with neighbouring properties and the locality in general. Transport associated with school and weekend outings would not be an untypical occurrence in a family house. Up to two vehicles departing from the property late at night would not, on its own, be a sufficient basis for determining that a materially different character of use would be taking place.

4.24 He concluded “in the light of a fact and degree assessment” that the proposed use would not, as a use within Class C2, amount to a material change of use from Class C3 use as a dwellinghouse. The change of use would not therefore amount to development for which planning permission would be required.

4.25 The appeal was allowed.

4.26 *Appeal Ref: APP/E2205/X/16/3161037 - The Cottage, Stonebridge Green Road, Egerton, Ashford TN27 9AP*

4.27 The appeal was for a children's home for up to 3 children between the ages of 8 and 17 and 2 adult carers. The Inspector determined that the main issue was whether the proposed use was a material change from the lawful use as a single dwellinghouse falling within Class C3(a). She concluded that:

> *A house of this size could easily accommodate a typical family with 2, 3 or more children and 2 adults and it seems to me that the use of the house as a home for a maximum of 3 young people and their carers would not be materially different from the authorised use as a 4 bedroom family home. It is likely that there would be vehicle movements created by the carers coming to and leaving the site on a daily basis as they start and leave their shifts and journeys undertaken by the children when being taken to and from school. Nevertheless, I do not consider that the number of such movements is likely to be significantly more than those undertaken by a family and certainly not enough to result in an intensification of use that would give rise to planning concerns.*
>
> *The appellants will be required to comply with all relevant rules governing the accommodation for children in care and their full time supervision and, if the property can meet these regulations and the appellants can meet the staffing requirements, I see no reason why the use proposed would have any planning impacts that would cause it to be considered as a material change of use.*

4.28 The appeal was allowed.

5. Assessment

5.1 The proposal is for a children's home for two children aged between 6 and 18 and two professional carers, who would reside at the property on a shift basis.

5.2 The property has a lawful use as a single dwelling house within Class C3(a). It has three bedrooms as well as two living rooms, kitchen, and bathroom, as well as gardens to front and rear.and rear yard. It could easily accommodate 2 or more children and two adults in a conventional family arrangement.

5.3 Case law has established that children alone cannot form a 'household' and if their carers do not live permanently at the property the use would fall into Class C2, rather than Class C3(b).

5.4 A change between two use classes would normally require planning permission but it also has to be taken into account whether the change would be 'material' in planning terms. Planning permission would only be required if the change were 'material'.

5.5 In this case, the fact that the home would only be for two children, with 24 hour professional care from qualified staff means that its impact on neighbours and the surrounding area in terms of disturbance arising from residents and traffic generation would be indistinguishable from a conventional family home. There would not be any intensification of the use of the house that would have any planning impacts that would cause there to be a material change of use.

5.6 The change would not therefore be 'material' and planning permission would not be required.

5.7 This is the approach followed by the Inspectors, respectively, in the appeals at Hinckley and Ashford referred to above.

5.8 It should also be noted that the description of the proposed development will control the development to ensure that it operates within defined parameters. As the Inspector in the Ashford case noted, the applicants will have to comply with all the relevant rules governing the accommodation for children in care and their full time supervision. She added that if the property can meet these regulations and the company can meet the staffing requirements, she saw no reason why the use proposed would cause it to have any planning impacts that would cause it to be considered as a material change of use. There is a direct parallel with the application proposal.

5.9 For these reasons the Council is respectfully asked to grant a Certificate of Lawfulness of Proposed Use.