plande
planning consultants

Planning Statement

Lawful Development Certificate for confirmation that the proposed use of the property for up to two young people, aged 16-25, living together as a single household and receiving care would be lawful

124 Egerton Road South, Chorlton-cum-Hardy, Manchester M21 0XJ

May 2026

Ref: 26035
Rev: A

email@plande.uk

0333 444 3433

www.plande.uk

plande is a trading name of HAPC Ltd
Company Reg No. 06241656
Registered in England and Wales

1. INTRODUCTION

1.1 Plande has been appointed to submit a supporting statement for a Lawful Development Certificate, submitted under Section 192 of the Town and Country Planning Act 1990 (TCPA 1990), for confirmation that the proposed use of the property for up to two young people, aged 16-25, living together as a single household and receiving care would be lawful at 124 Egerton Road South, Chorlton-cum-Hardy, Manchester M21 0XJ.

1.2 This statement, which should be read in conjunction with the supporting information submitted with the application, aims to appraise the relevant legal and planning use considerations bearing on whether the proposed use would be lawful at the time of the application. The content herein, including but not limited to the Scheme Assessment and Conclusion, represents the author's opinions, not factual assertions, except where explicitly stated and independently verified.

1.3 This Planning Statement provides a summary of the site and surroundings, the planning history, and the justification for the proposed use in support of the application and to demonstrate that the proposed use would be lawful. The report is structured in the following format:

- Section 2: Site & Surroundings
- Section 3: Planning History
- Section 4: The Proposal
- Section 5: Relevant Legislation
- Section 6: Scheme Assessment
- Section 7: Conclusion

1.4 This statement has been prepared for the exclusive use of the applicant as part of their Lawful Development Certificate application and in accordance with the agreed scope of the project. The document may not be reproduced in whole or in part, without the prior written consent of Plande. The copyright in this document (including its electronic form) shall remain vested in Plande. Plande will not be liable for the contents or use of this document by any person for any purpose.

2. SITE & SURROUNDINGS

2.1 The application site at 124 Egerton Road South, Chorlton-cum-Hardy, Manchester M21 0XJ is a two-storey semi-detached dwellinghouse of traditional masonry construction, that has been previously extended with a single storey rear extension.

2.2 At the front of the property is a garden area laid to lawn. A driveway with car parking spaces for two vehicles is located at the side of the property, with a further garden area at the side of the driveway. At the rear is a private garden area.

2.3 The immediate surroundings of the site are predominantly residential. The site sits within the built-up area of Chorlton in an established urban residential location. Bus stops on Wilbraham Road and St Werburgh's Road are within walking distance of the site, and Metrolink trams are available at St Werburgh's Road and Chorlton.



Figure 1: Location Plan


Figure 2: Photograph (Source: Rightmove, September 2025)

3. PLANNING HISTORY

3.1 A planning history search illustrates the following relevant planning applications for the site (as described in the Council's records at the time):

- Use of dwellinghouse (Use Class C3) as a children's care home (Use Class C2) for one to two children (7 - 18 years old) supported by three carers, two of whom will sleep overnight, working on a rota basis
  124 Egerton Road South, Manchester M21 0XJ
  Ref. No: 144993/LP/2026
  Status: Approved 09 March 2026

4. THE PROPOSAL

4.1 This Lawful Development Certificate seeks confirmation that the proposed use of the property for up to two young people, aged 16-25, living together as a single household and receiving care would be lawful.

ABOUT THE APPLICANT

4.2 Tulip Care Ltd provides specialist residential placements, adopting a person-centred approach and delivering intensive, 24-hour care within the community. The service caters for young people aged between 16 and 25 years who are experiencing mental health difficulties.

4.3 Tulip Care Ltd was established by a group of experienced professionals within the mental health sector who identified a significant gap in community-based care, particularly in relation to therapeutic placements for young people. Evidence identified by the Applicant indicates that many young people remain unnecessarily in hospital settings due to the absence of suitable specialist therapeutic placements within the community. Tulip Care Ltd seeks to address this deficit by providing appropriate residential care options for this cohort.

4.4 The Applicant aims to provide a safe, stable and homely environment, delivering specialist transitional therapeutic and rehabilitative residential placements. The approach emphasises strong links with local community facilities and promotes social integration, supported by an ongoing risk assessment and risk management framework. The service is designed to meet the needs of young people aged between 16 and 25 years who present with complex and challenging mental health needs and associated risks.

4.5 Within the application property, the Applicant proposes to provide a transition-age service for young people aged 16 to 25 with complex mental health needs and associated risks. Tulip Care Ltd offers bespoke care packages for young people who, for a variety of reasons, are unable to live independently within the community or in the family home.

LAYOUT OF THE PROPERTY

4.6 Internally, the property benefits from three bedrooms and two bathrooms, with general living accommodation on the ground floor.

4.7 The original property is self-evidently "a single, self-contained unit of occupation which can be regarded as being a separate 'planning unit' designed for residential purposes-containing the normal facilities for cooking, eating and sleeping associated with use as a dwellinghouse".

4.8 As such the original use of the property falls within Class C3 of Town and Country Planning (Use Classes) Order 1987 (as amended).

THE OCCUPIERS & DAY TO DAY LIFE IN THE PROPERTY

4.9 The property will continue to be used as a traditional "dwellinghouse" with bedroom accommodation on the 1st floor and living accommodation on the ground floor.

4.10 Each resident will have their own bedroom and share the communal kitchen and dining area on the ground floor. The carers will share and participate in the domestic and living activities with the residents.

4.11 The applicant operates each of their properties as a single household on the following basis:

- There is communal accommodation, including the living room, kitchen, bathrooms, hallways, entrances, and garden.
- Shared house facilities, including the TV license, broadband provision, shared storage areas, shared household utilities (kitchen utensils, cleaning products, tools and laundry, white goods, refuse bins and front door and bell).
- Residents have communal meetings and workshops to discuss ongoing support and any issues with the household dynamics or general housekeeping points. Communal workshops and training are held with the residents in the property, including cooking, cleaning/ recycling, and employability workshops.
- Residents are invited to share duties and facilities to take care of daily household chores, which will occasionally imply coordination with the other residents. Gardening is also encouraged.

4.12 Up to two residents will be accommodated at the property at any one time, supported by up to two members of staff operating on a shift basis. Staff will provide 24-hour care, usually operating from 08.00-20.00 and 20.00-08.00. This shift pattern mimics the pattern of a typical household going to and from work. Staff duties will include supervision and support to enable access to the community, such as attendance at appointments, participation in activities, and undertaking day-to-day shopping.

4.13 During daytime hours, care staff will be supported by a Registered Manager, who may be present at the property during normal working hours i.e. 09.00-1700. An on-call Manager will be available outside normal hours. Depending on the assessed needs of the young people, staff may also sleep at the property overnight; however, the property will not constitute the principal place of residence for staff.

4.14 Residents will have access to a multidisciplinary professional team as required, based on their individual needs and care plans, and will benefit from continuous 1:1 supervision in accordance with their assessed needs.

4.15 The residents will be actively encouraged and supported to engage in everyday activities that promote independence and personal development, including personal care, cooking, education and training, financial management, leisure pursuits and accessing employment opportunities where appropriate. According to the Applicant, all the residential homes it operates are regulated by the Care Quality Commission (CQC).

4.16 Care staff are encouraged to make use of sustainable modes of transport. While some staff members will drive to work and carpool, most staff use public transport, cycle or walk to work.

4.17 At present, none of the young people cared for by the Applicant have their own vehicle, although it is acknowledged that some young people may be entitled to a vehicle allowance through their benefits package.

4.18 Residents at the property may be in full-time employment or education, depending on their progress, and will generally use public transport or taxis / Ubers to commute.

5. RELEVANT LEGISLATION

5.1 Section 55(1) of Town and Country Planning Act 1990 (The Act) defines the meanings of the term "development" and which includes the making of any material change in the use of any buildings.

5.2 Section 55(2) set out what shall not be taken to involve development and further states in (f) that "in the case of buildings ... 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 .... of any part of the buildings ... for any other purpose of the same class."

5.3 Section 57(1) of The Act provides that "planning permission is required for the carrying out of any development of land" which includes buildings.

5.4 Section 192 of The Act (as amended) makes provision for an application to be made to the local planning authority to ascertain whether any proposed use of a building is lawful.

5.5 Section 192 (1) clarifies how the lawfulness can be confirmed:

> *(1)If any person wishes to ascertain whether—*
> *(a)any proposed use of buildings or other land; or*
> *(b)any operations proposed to be carried out in, on, over or under land,*
> *would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.*

5.6 Section 192 (2) clarifies the process of determining such an application *"If, on an application under this section, 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."*

RELEVANT USE CLASSES

5.7 It is suggested that the use of the property for supported living could fall within the use class C2, C3 or C4, as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Class C2. Residential institutions
Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Class C3: Dwellinghouses
Use as a dwellinghouse (whether or not as a sole or main residence) by—

(a) a single person or by people to be regarded as forming a single household;
(b) not more than six residents living together as a single household where care is provided for residents; or
(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

For the purposes of Class C3(a) "single household" shall be construed in accordance with section 258 of the Housing Act 2004.

Class C4: Houses in multiple occupation
Use of a dwellinghouse by not more than six residents as a "house in multiple occupation".

5.8 The Government issued a circular (08/2010) in November 2010 entitled "Changes to planning regulations for dwellinghouses and houses in multiple occupation" which gives guidance on planning regulations, in particular on changes of use for dwelling houses and houses in multiple occupation following changes to legislation in April and October 2010. The general effect of these changes is to allow changes of use between dwellinghouses and houses in multiple occupation to take place without the need for an application for planning permission unless a local authority has specifically identified an

area in which planning applications will be required. Although Circular 08/2010 has since been withdrawn, it is noted here for historic background to the 2010 use class changes.

5.9 The Circular provided the following guidance which is useful in assessing which use class the relevant use falls:

5.9.1 "Changes of use within a class do not require an application for planning permission."

5.9.2 " …for the purposes of C3(b) and (c) single household is not defined in the legislation."

5.9.3 "… in broad terms, the new C4 class covers small shared houses or flats occupied by between 3 and 6 unrelated individuals who share basic amenities."

5.9.4 "… a change of use from a dwellinghouse (class C3) to a house in multiple occupation (Class C4) and from a house in multiple occupation to a dwellinghouse is possible under permitted development rights and planning applications are not needed."

5.9.5 "C3(b) continues to make provision for supported housing schemes, such as those for people with disabilities or mental health problems."

5.9.6 A "single household" under C3(a) can be formed by a variety of people including "…a carer and the person receiving care..."

5.9.7 "It remains the case that in small residential care homes or nursing homes, staff and residents will probably not live as a single household and the use will therefore fall into the residential institutions class (Class C2), regardless of the size of the home. Local planning authorities should include any resident care staff in their calculation of the number of people accommodated."

5.9.8 "Care homes and children's homes" are excluded from the C4 use class.

5.10 In addition, the Town and Country Planning (Use Classes) Order 1987 (as amended) defines "care" as "personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in-class C2 also includes the personal care of children and medical care and treatment"

AGE OF RESIDENTS

5.11 The Applicant's business is regulated by the Care Quality Commission, which differentiates between children, who are aged under 18 years, and young people, who generally are aged 16 to 24 years.

5.12 The Children Act 1989 and the Children Act 2004 define a child as being a person up to the age of 18 years. However, the Children Act 2004 states that in certain circumstances, safeguarding, protection and cooperation between services may be continued through to a young person's 19th birthday or beyond.

5.13 Young people aged 16 or 17 may consent to their own treatment and have the right to leave home without parent's or carers permission. Parents or carers have the right to ask young people to leave, however under 18's cannot usually rent a property by themselves.

5.14 At 18 years of age, young people are considered to be adults; they can leave home, be asked to leave and can rent a property independently.

6. SCHEME ASSESSMENT

6.1 The following section will evaluate the compliance of the proposal with the relevant legal and regulatory framework applicable to a Lawful Development Certificate. It provides an analysis of the key considerations related to the proposal.

6.2 In assessing the merits of the application, the appendices and the accompanying supporting evidence from the Applicant aim to illustrate that on the balance of probabilities, the use of the property for up to two young people, aged 16-25, living together as a single household and receiving care would be lawful.

6.3 It is suggested that the use is not that of C2A (Secure Residential Institutions) as there is no security preventing the residents from leaving.

6.4 It is further suggested that the use is not that of C4 (HMO) as, although the residents are unrelated by birth or marriage etc, there is an element of care and the individual bedrooms are not self-contained bed-sits.

6.5 It is therefore suggested that the occupiers within the property, meet the definition of "receiving care" as defined in Class C3(b) in that they are not children and have "past or present mental disorder".

6.6 Where the use of a dwelling house is for "non-family" purposes the concept of a single household is key in order to establish a lawful use as Class C3(b), although as above, there is no statutory definition.

6.7 Whether the use of the dwellinghouse, particularly where 24-hour care is provided, falls within Class C2 or C3 requires careful consideration and has been the subject of various Lawful Development Certificates, planning appeals and case law, including:

- North Devon District Council v First Secretary of State [2003] which confirmed that children could not on their own be considered to constitute a fully functioning household without a resident carer living full-time in the property. In this case even though a change of use from C3 to C2 had occurred at the property it was not deemed to be a material change of use and that as such, planning permission was not required.

- R v Bromley London Borough Council ex parte Sinclair (1991) which stated that staff providing care do not necessarily have to be resident at the property in order to be still classed as forming part of the household

- R (Hossack) v Kettering BC [2002] EWCA Civ 886 concerned what could be construed as a single household and concluded that "if there are no more than six residents living together in the same house, it seems to me altogether more likely that they are doing so as a single household". In addition, it was stated, "the smaller the number of occupants, the more intimate, integrated and cohesive their occupancy would be likely to be and the more apt, therefore to describe it as a single household."

Planning Appeals:

- Enfield 11/7/06 – 4 people with mental health problems with three staff on shift system sharing a kitchen, living room, dining room, toilet and bathroom

- Croydon 8/1/03 – 5 people with learning difficulties with staff on a shift system with staff and residents sharing facilities and taking meals together.

- Crewe & Nantwich 24/4/06

- DCS reference: 200-004-885 – Hearing in 2016 for mentally disabled residents living together under Class C3b. 5 bedroom house with locks on bedroom doors with day and night support workers. Purpose of carers to largely assist as opposed to undertaking day-to-day tasks

- APP/E2205/X/16/3161037 – LDC allowed for use of the house for 4 people and their carers (up-to 2)

Lawful Development Certificate Precedents:

- 2010/2137/S – Solihull – Proposed use of an existing house to a residential care home for up to 5 people
- APP/2015/0554 – Burnley - Proposed use as a residence by up to 4 young persons with care provided by two carers on a 24-hour non-residential basis
- F/YR15/1093/CERTLU – Fenland - Certificate of Lawful Use (Existing): Use of the dwelling under Class C3b (Care Home) for 3 residents and up to 4 staff on a rota basis
- 16/P/01281/CEU – Pontypool - Application for Certificate of Lawful Development to retain the existing C3b use offering supported living to a maximum of 5 residents.
- 18/0480 – Willenhall – LDC for 3 persons supervised by a carer.
- Wakefield Council – Ref: 17/02441/CPL – Four children and two staff in a six-bed detached property
- Burnley Council – Ref: APP/2015/0554 – Four children and two staff in a five-bed detached property.
- Kirklees Council – Ref: 2016/19/91341/W – Three children and three staff including fulltime manager in a four-bed detached property.
- East Riding of Yorkshire Council – Ref: 15/02533/CLP – One child and two staff
- Coventry Council – Ref: LDCP/2018/2934 - Four children and two staff providing 24-hour care.
- Trafford Council – 96180/CPL/18 - "The proposed use of 6 Harboro Grove, Sale, M33 5BA, as a children's residential home (Class C2) for up to 5no.persons between the ages of 10-18 years with a maximum of 2no. additional staff members staying overnight on a rota basis … would not represent a material change of use …. and is therefore Lawful Development".
- Trafford Council – 111821/CPL/23 - Application for Certificate of Proposed Lawful Development for change of use of existing dwellinghouse to Children's Care Home for up to 2 no. children

6.8 It is suggested that these examples lead to the conclusion that the use of the property for supported living as described above would fall under the definition of a single-household in that:

- Staff providing care do not necessarily have to be resident at the property in order to be still classed as forming part of the household;
- The small number of people in the property would mean that the likelihood is that they would be living as a single household;
- Other than a bedroom, the carer or occupiers have no separate facilities with all facilities (kitchen and bathrooms etc) shared;
- Use Class C3(b) places no limit on the number of non-residents or level or intensity of care received by the residents;
- Use Class C2 specifically makes reference that such a use could fall under Use Class C3.

6.9 Within the North Devon case above, the judgement is clear that should the children have a mental disorder, then the use would fall under Use Class C3(b). As stated above, the young people would have a variety of needs, including learning difficulties, autism, and emotional and behavioural disorders. It is

suggested that these would all fall under the definition of mental disorder and as such the use of the property would fall under Use Class C3(b).

6.10 Since the North Devon case above, the Use Classes Order has been amended (on the 6th of April 2010) which inserted the wording "(whether or not as a sole or main residence)". As such it is suggested that the property does not need to be the carers' sole or main residence to be considered as living in the property, in which case a single household can be formed.

6.11 Notwithstanding the above, if the Council were to consider that the proposals represent a change of use from C3 to C2, it is proposed that this does not amount to a "material" change of use as there is no material difference in the activity to that which may be anticipated in the case of a conventional residential use. The premises retain the overall appearance and character of a conventional residential dwelling, with no alterations required to facilitate the use, and it is further suggested that there will not be a change in the character of the use or that the use would not give rise to any greater level of disturbance or amenity effects that could be generated by a C3 use.

6.12 Circular 13/87 provides further information and clarification in relation to Class C3: Dwellinghouses particularly in relation to the concept of a single household and care. The Circular states: "*development is not involved when a dwelling house becomes used as a small community care home, provided that all the residents live together as a single household and that they number no more than six including resident staff*" Furthermore, it states that "*it serves no-one's interest to require planning permission for types of development that generally do not damage amenity*."

6.13 It is considered that the nature of the use will not result in a material increase or change in vehicle or pedestrian movements to and from the site, or in the number of people coming and going especially when compared to the maximum potential for the existing use. This is because the existing use could accommodate several adults, such as two parents and over 17-year-old children who all have their own cars and travel independently to work, school, for hobbies, social visits, and to receive visitors.

6.14 Within Class C3(b) use, there is no mention of the level of care provided or any increase in service intensity. Therefore, it is suggested there is no basis for limiting the level of care that can be given and as such there is no support to the contention that any intensification of use would lead to a material change of use. It is suggested that there is no "normal" level of care to be considered against. This is corroborated in the Barking Appeal (APP/Z5060/C/18/3214506) which states:

> "*I note that the Council's reasons for issue of the notice include harm to the living conditions of neighbours with particular regard to noise and disturbance. Whilst the planning merits of the development are not relevant to this appeal I note that it is inherent within the terms of the Use Classes Order that vulnerable groups may fall within Class C3(b) and therefore this is not an argument that suggests the residents are not living together as a single household*."

6.15 Furthermore, should the property be used for adults, up to 6 residents could be accommodated within any level of care and support without it being a material change of use. As above, this would also be the case for children with disabilities or mental health issues. Since the property in that scenario, would be expected to have carers visiting on a regular basis, including full-time carers, the presence of additional parking is not uncommon or particularly significant. It is therefore suggested that in comparing whether there is a material change of use in this particular scenario the consideration should be given not only to the use as dwellinghouse in the narrow sense (as in one family unit) that that for up to six residents living together as a single household and receiving care.

7. CONCLUSION

7.1 This Lawful Development Certificate applications seeks confirmation that the proposed use of the property for up to two young people, aged 16-25, living together as a single household and receiving care would be lawful at 124 Egerton Road South, Chorlton-cum-Hardy, Manchester M21 0XJ.

7.2 It is suggested that:

- The original lawful use of the property is Class C3: Dwellinghouses
- The dwelling house would retain its original layout and comprises "*a single, self-contained unit of occupation which can be regarded as being a separate 'planning unit' designed for residential purposes-containing the normal facilities for cooking, eating and sleeping associated with use as a dwellinghouse*".
- The residents will live together as a single household, generally forming friendship bonds, share facilities and have communal living arrangements.
- The residents receive "care" as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), and Class C3(b) makes provision for supported housing schemes, such as those for people with mental health problems.
- The level of activity, comings and goings and overall function of the building would be no different than associated with many dwelling houses.
- There would be no change in the character of the use.
- The purpose of the carers is largely to assist the residents with day-to-day tasks as opposed to undertaking those tasks themselves on behalf of the residents.
- Even if a change of use from C3 to C2 is deemed to occur, it is suggested that this is not a material change of use, and as such planning permission is not required.

7.3 Based on the information provided, it is considered that no "development" would occur, and a Certificate of Lawfulness of Proposed Use of Development should be issued accordingly.