Kismet Childrens Services

Planning Statement

Certificate of Lawfulness of Proposed Use

Use of a dwellinghouse as a children's home
for up to two children
with no material change of use

99 DUDLEY ROAD
WHALLEY RANGE
MANCHESTER M16 8BW

September 2026

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1.0 Introduction

1.1 This statement has been prepared by NK Architectural Services on behalf of Kismet Childrens Services to support an application to Manchester City Council for a Certificate of Lawfulness of Proposed Use under section 192 of the Town and Country Planning Act 1990.

1.2 The proposal is to use the existing dwellinghouse at 99 Dudley Road as a small children's home providing residential accommodation and care for no more than two children aged 11 to 17. The application is made on the basis that the limited scale and domestic character of the proposed operation would not amount to a material change of use.

1.3 The children would live at the property as their long term home and would receive 24 hour care. They would eat, sleep, study, relax and use the garden in the same way as members of a household. Care staff would undertake a parental and supervisory role within that domestic setting.

1.4 The application concerns planning lawfulness rather than the planning merits of the use.

The Site and Surroundings

1.5 The site is a semi-detached dwelling on Dudley Road in Whalley Range, within the administrative area of Manchester City Council. The surrounding area is predominantly residential.

1.6 The property has the form and facilities of a family home, with generous communal accommodation, bedrooms across the ground, first and loft floors, private external space and domestic refuse storage. Its scale is more than sufficient for two children and the staff needed to care for them without creating an institutional layout or appearance.

The Submitted Floor Plan

1.7 99 Dudley Road ground floor: entrance lobby, large kitchen, utility room, living and dining room, and a bedroom with an en-suite. The first floor has several bedrooms, a family bathroom. The loft floor has a bedroom with an en-suite. The external area has a garden and a dedicated enclosed store for refuse and recycling bins.

1.8 Two bedrooms would be occupied by children at any one time. One further room would be used for staff sleep ins. One of the bedrooms would be an office and the other a recreational room.

1.9 The communal kitchen and living and dining room would remain the focus of everyday activity. Meals would be prepared and eaten together, and the children would use the shared rooms and garden as they would in a family home. There would be no public reception, consulting rooms, treatment rooms, separate staff entrance or institutional signage.

1.10 The certificate application relates to the proposed use only. Drawing A100 Revision J is relied upon to describe the accommodation. This application does not seek to certify any building operation or external alteration shown on or implied by that drawing; any such work must have its own lawful planning status.

1.11 Domestic refuse and recycling would be stored in the enclosed bin store shown on the plan and presented for collection in the normal way. Use of the garden and the generation of household noise would remain comparable to ordinary residential occupation.

2.0 The Application Proposal

2.1 A Certificate of Lawfulness of Proposed Use is sought for the use of the Class C3 dwellinghouse as a small children's home providing residential accommodation and care, described as Class C2, for no more than two children. No planning permission is sought because the proposed operation would not materially change the planning character of the property.

2.2 Section 55 of the Town and Country Planning Act 1990 defines development to include a material change in the use of land or buildings. A change in the way a property is occupied does not require planning permission unless the change is material in planning terms.

2.3 Section 192 of the Act allows any person to apply for a certificate confirming that a proposed use would be lawful. National Planning Practice Guidance states that the authority must ask whether the proposal, if begun on the application date, would be lawful for planning purposes. Planning merits are not part of that determination.

2.4 The Use Classes Order groups uses with broadly similar characteristics. A use within the same class is not development, but a description under a different class does not by itself establish that a material change has occurred. Materiality depends on the actual character of the use and is a matter of fact and degree in each case.

Defined parameters of the certificate sought

Parameter	Proposed Use
Application type	Certificate of Lawfulness of Proposed Use under section 192 of the Town and Country Planning Act 1990
Existing use	Single dwellinghouse within Class C3
Proposed use	Small children's home providing residential accommodation and care, described as Class C2
Maximum residents receiving care	Two children aged 11 to 17
Household arrangement	One household-style group sharing the kitchen, living and dining room, bathrooms and garden
Physical works in this application	None; the certificate sought relates to use only

How the Home Would Operate

2.5 The home would accommodate no more than two children. Each child would have a private bedroom and would share the kitchen, living and dining room, bathrooms and garden. The children would attend education away from the property in accordance with their individual care and education plans.

2.6 The staffing structure would comprise four full-time and two part-time staff across the rota. Two care staff would normally be present at any one time. The home manager would be available during normal daytime hours, and one waking-night member of staff would provide overnight supervision. Part-time staff would cover leave and absence. Staffing would be reviewed where required by an individual child's care plan, but the residential capacity would remain limited to two children.

2.7 The home would operate at all times because it is the children's residence, not because it provides a service to visiting members of the public. Staff shift changes would be brief and managed. There would be no customer footfall, public opening hours, group sessions, day-care provision or outpatient activity.

2.8 Visits by relatives, social workers, health professionals and other persons involved in a child's care would be arranged and limited. Their frequency would vary according to individual care plans, but the use would not generate continuous or concentrated visitor activity.

2.9 Access would remain through the existing residential entrance. Staff and visitors would use the existing parking arrangements and nearby public transport where practicable. School journeys, staff arrivals, professional visits and ordinary household deliveries would remain small in number and dispersed through the day.

2.10 Deliveries would consist of normal household shopping, parcels and occasional service visits. No commercial loading, clinical deliveries, fleet vehicles or regular large-vehicle movements would be associated with the use.

2.11 There would be no external indication that the property is used as a children's home. The external appearance, domestic curtilage, garden use, lighting and refuse arrangements would remain residential in character.

2.12 The care provider would operate the home under its safeguarding, placement-matching, behaviour management and complaints procedures. These management arrangements support the safe operation of the home but do not introduce a land-use activity different in character from residential occupation.

Assessment of Material Change

2.13 The central planning question is whether the proposed use would change the character of the dwelling and its effect on the surrounding area to a material degree. The relevant comparison is between ordinary residential occupation and the specific operation described in this statement, not between use class labels in isolation.

2.14 The proposed use would retain the essential characteristics of a dwellinghouse. Two children would occupy the property as their home; the staff would provide care and supervision within that home; and everyday activity would consist of sleeping, eating, studying, recreation and household management.

Comparison of the existing and proposed use

Characteristic	Existing	Proposed	Planning Effect
Occupation	Residential occupation by a household	Long-term home for no more than two children	Residential occupation remains the primary use
Shared facilities	Kitchen, living rooms, bathrooms and garden	The same facilities shared as one household-style group	No subdivision or separate units
Daily activity	Meals, sleep, study, recreation and household tasks	The same domestic activities with staff supervision	No institutional or public facing activity
Staff	No employed care staff	A small rota, normally two staff present, with one waking-night staff member	Some additional adult presence, but limited and domestic in function

Visitors	Family, friends and service visits	Relatives and professionals by arrangement	Low-level and dispersed visits
Traffic and parking	Normal household journeys and deliveries	Staff shifts, school journeys, arranged visits and household deliveries	Limited movements without a material change in character
Noise and garden use	Ordinary domestic activity	Ordinary domestic activity by two children and carers	Comparable residential effects
Waste	Domestic refuse and recycling	Domestic refuse and recycling in the plan's enclosed bin store	No commercial or clinical waste stream
Appearance	A dwellinghouse	No signage or use-related external alteration	Residential appearance retained

2.15 Staff attendance is the principal operational difference from an ordinary family home. At the stated scale, however, staff would act in a parental and supervisory capacity and would use the same domestic rooms as the children. The modest rota and short handovers would not give the property the character of a larger care institution, hostel, clinic or premises open to the public.

2.16 The presence of only two children, the absence of public access and specialist treatment functions, and the continued use of the building as one home mean that the nature, intensity and neighbourhood effects of the use would remain within the range reasonably associated with a dwellinghouse.

2.17 On that basis, the proposed operation would not result in a material change in the use of the property. It would therefore not constitute development under section 55 of the 1990 Act and would be lawful without planning permission.

Ofsted Registration

2.18 The provider would obtain and maintain the separate registration and approvals required to operate a children's home. A planning certificate determines only planning lawfulness and does not replace Ofsted registration, safeguarding duties, building regulations, fire safety requirements or any other statutory approval.

2.19 Operational documents required by the regulatory process, including the Statement of Purpose, Children's Guide, staffing arrangements and safeguarding policies, would reflect the two-child limit and the domestic model described in this statement.

3.0 Summary and Conclusion

3.1 The application seeks a Certificate of Lawfulness of Proposed Use for a small children's home at 99 Dudley Road for no more than two children aged 11 to 17. The children would live together in a household style arrangement and receive care from a small staff rota.

3.2 Drawing A100 Revision shows domestic accommodation over the ground, first and loft floors, including a large shared living and dining room, kitchen, bedrooms, bathrooms, private amenity space and an enclosed bin store. Only two bedrooms would be used by children, and no building work forms part of the certificate sought.

3.3 The property would continue to function as one home. Its appearance, household activities, refuse arrangements, outdoor use, visitors and vehicle movements would remain residential in character. The limited staff presence would support the children's home life and would not create an institutional or public facing use.

3.4 The proposed use would therefore not amount to a material change of use and would not constitute development under section 55 of the Town and Country Planning Act 1990. A certificate should be issued under section 192 for the precise use and operational limits described in this statement.

References

- Town and Country Planning Act 1990 sections 55 and 192
- Town and Country Planning Use Classes Order 1987 as amended
- Planning Practice Guidance Lawful development certificates
- Planning Practice Guidance When is permission required
- NK Architectural Drawing A100 Revision J 99 Dudley Road