



Planning Statement

Practice: Building Design Services

April 2025



bds

**418 Bury Road
Rochdale
OL11 5EU**

**Application for a Lawful Development Certificate:
Proposed Use of a Dwellinghouse (Class C3a) as a
Care Home (Class C2) for a Maximum of Three
Children, with Two Carers Present at Any One Time
Working on a Rota Basis**

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1. INTRODUCTION

- 1.1 This Planning Statement is submitted on behalf of the applicant, Mr Farooq, in support of an application for a Certificate of Lawful Proposed Use. The proposal is to use the existing property at 418 Bury Road, Rochdale, currently in residential use (Class C3a) as a small home for a maximum of three children requiring care. The proposed use would fall within Class C2 of the Use Classes Order. The use will maintain a domestic character and operate in a way that closely resembles a family household.
- 1.2 This application seeks a Certificate of Lawful Proposed Use for the change of use of a dwellinghouse (currently within Class C3a) to a small residential care home (Class C2) for up to three children aged 8–17 years, living together as a single household with care and support provided. Carers will work on a rota basis, with two present during the day and two during the night. However, at no time will more than two carers be on-site, ensuring that the total number of occupants does not exceed five (three children and two carers). The use will preserve the domestic character of the property and provide a stable, family-style living environment that supports the children's emotional and educational development.
- 1.3 The home will provide care for children with emotional and behavioural difficulties (EBD), offering supported accommodation in a shared household setting. The children, typically aged between 12 and 18, will be carefully matched to ensure they are suited to the household environment and the wider local area. Each child will undergo an individual assessment prior to placement, considering their needs, background, and ability to settle in the home. The property will serve as their main and long-term residence, providing stability, consistency, and a supportive environment. The proposal is not for emergency or temporary accommodation.
- 1.4 The site is located within the defined development boundary for the settlement of Rochdale, as identified in the Local Plan. The area is predominantly residential in character and benefits from good access to local services, amenities, and public transport links. No special designations or constraints are affecting the site that would restrict its use as a small care home.



- 1.5 The property has previously been extended with a single-storey rear extension and a rear dormer, along with internal alterations to create a first-floor en-suite. These works have increased the overall usable floor space within the dwelling, enhancing its suitability as a family-sized home. No further alterations are proposed as part of this application.

Single storey rear extension, rear dormer extension and internal alterations to form first floor en-suite.

418 Bury Road Rochdale OL11 5EU
Ref. No: 023850 | Deposited: Fri 10 Sep 2021 | Decided: Mon 11 Oct 2021
| Status: Building Work Complete

Installed a Gas Boiler

418 Bury Road Rochdale OL11 5EU
Ref. No: 14/CP/0031790 | Deposited: Sat 07 Jan 2012 | Decided: Not Available | Status: Building Work Complete

6 Windows 2 Doors

418 Bury Road Rochdale OL11 5EU
Ref. No: 15/CP/0067736 | Deposited: Fri 16 Sep 2011 | Decided: Not Available | Status: Building Work Complete

Underpinning Existing Foundations

418 Bury Road Rochdale
Ref. No: 86/074762 | Deposited: Tue 29 Jul 1986 | Decided: Mon 04 Aug 1986 | Status: Building Work Complete

- 1.6 It is acknowledged that the proposed use falls within Use Class C2 and, therefore, the change from a C3 dwellinghouse does not constitute permitted development. However, it is submitted that the proposed use does not result in a material change to the character of the property's use. As such, it is argued that planning permission is not required, and a Lawful Development Certificate is deemed appropriate in this instance.
- 1.7 Section 55(1) of the Town and Country Planning Act 1990 defines 'development' as including any material change in the use of buildings or land. However, Section 55(2)(f) states that the use of any building for any purpose within the same use class does not constitute development. Section 192 of the Act allows for an application to be made to the local planning authority to ascertain whether a proposed use of a building would be lawful. This Planning Statement is therefore submitted in support of such an application to confirm the lawfulness of the proposed C2 use at the property.
- 1.8 A ministerial statement made by Rachel Maclean, Minister of State for the Department for Levelling Up, Housing and Communities, in March 2023 emphasised that the planning system should not act as a barrier to providing homes for the most vulnerable children in society. Where care is the best option for a child, the system must support the delivery of stable, loving homes within their communities. These homes must be appropriately located, with access to good schools, healthcare, and community support networks
- 1.9 Local planning authorities are encouraged to give appropriate weight and support to applications that provide accommodation for looked-after children where there is local need. Applicants are expected to engage with local authorities to understand demand in the area. This is supported by the requirement for a location assessment as part of the Ofsted registration process, which considers the suitability of the setting within the community and helps ensure the placement is appropriate and well-integrated.

- 1.10 Planning permission is not always required to develop children's homes, particularly where the use remains within Class C3 or where there is no material change of use to Class C2. However, where there is uncertainty, an application for a Lawful Development Certificate can be made to confirm whether the proposed use would be lawful. If granted, the certificate confirms that planning permission is not required for the use specified within it.

2.1 The application site relates to a two-storey semi-detached property at 418 Bury Road, Rochdale. The property has been extended to the rear with a single-storey extension and a rear dormer extension, and internal alterations have created an en-suite to one of the first-floor bedrooms. The property also includes a basement level, providing additional internal space. A driveway is located to the rear, offering off-street parking provision. Internally, the property comprises five bedrooms, a WC on the ground floor, bathrooms on both the first and second floors, and an en-suite on the first floor. At the rear of the property, there is an open-plan kitchen and dining area, which provides a connected and functional living space, while at the front, there is a separate lounge. The layout and size of the property are consistent with a typical family home and are considered suitable to accommodate a small household with care support.

2.2 The property is situated within a predominantly residential area along Bury Road, which is characterised by a mix of traditional semi-detached and terraced homes. The surrounding neighbourhood benefits from good access to local amenities, including shops, takeaways, and public services. The property is also well-served by public transport, with nearby bus routes offering connections to Rochdale town centre and surrounding areas. The location is considered sustainable and appropriate for a small-scale residential use with care provided, with access to schools, healthcare, and recreational facilities all within reasonable distance.



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Above: Front elevation of application property.



Above: Rear elevation of application property in 3D view where the extension is clearly visible.

3. PROPOSED DEVELOPMENT

- 3.1 The aim of the proposed home is to provide a safe, stable, and supportive environment for up to three children who require specialist care. The focus will be on medium to long-term placements in order to minimise disruption and encourage consistency in the lives of the young residents. A carefully managed transition process will be implemented for each child, with consideration given to their background, needs, and integration into the household and local community. The property will be run in a way that replicates the feel of a family home, promoting emotional wellbeing, routine, and positive development.
- 3.2 There will be no external alterations to the building or its surroundings. From the outside, the property will retain the appearance and character of a typical residential dwelling. Internally, each child will have their own bedroom, designed to support privacy and personal space within a safe and supportive environment. Any safeguarding measures will be discreet and consistent with a domestic setting, ensuring the home continues to function as a typical household.
- 3.3 The applicant will take a proactive and neighbourly approach to community engagement. Upon opening, local residents will be informed of the home's purpose and provided with contact details in case of any questions. Open communication will be encouraged to maintain good neighbourly relations and ensure the home is a positive part of the local community.
- 3.4 The home will be registered with Ofsted, which will assess its suitability and ensure it meets required standards under the relevant care framework. While Ofsted registration operates separately from planning control, it offers further assurance that the property will be operated safely and responsibly. The proposal seeks to maintain a residential character, with care provided in a homely and supportive environment.
- 3.5 The home will operate in a way that closely resembles a typical family household. Although care is provided on a shift basis, the day-to-day environment will be domestic, stable, and nurturing. Any necessary safety features, such as locks for privacy or lighting, will be discreet and in keeping with a residential setting, ensuring that the overall character of the property remains unchanged.
- 3.6 The home will follow appropriate guidance to ensure children understand their rights and feel supported within a stable, respectful environment. Bedrooms will be treated as private spaces, with appropriate measures in place to protect dignity and personal belongings. The home will prioritise a calm and structured daily routine, consistent with that of a typical household.
- 3.7 Each child will have an allocated social worker who may visit the home as required. Where appropriate, professional or clinical appointments will generally be arranged to take place away from the home in order to minimise disruption and maintain a calm, domestic environment.
- 3.8 All statutory meetings such as Child in Care (CIC) reviews, health assessments, placement planning meetings, and Personal Education Plan (PEP) reviews will ordinarily be held off-site. These may take place at the child's school, local authority offices, or virtually via secure video conferencing platforms. This approach helps to maintain a calm and consistent atmosphere within the home, supporting the emotional wellbeing of the children.

- 3.9 Visits from family and friends will be carefully managed to ensure they support the stability and wellbeing of the children living in the home. Where appropriate, such visits may take place off-site in line with individual care plans, helping to maintain a calm and consistent household environment.
- 3.10 Carers will be present in the home at all times to provide continuous support and ensure a safe and stable environment for the children. The home will operate with a family-style routine and emphasis on wellbeing, maintaining the feel and function of a typical household.
- 3.11 The home will provide a safe and supportive environment where appropriate safeguards are in place to ensure the wellbeing of the children. Any safety measures used within the property will be discreet and consistent with a domestic setting, ensuring the character of the home is preserved.
- 3.12 The home will follow appropriate safeguarding procedures to ensure the wellbeing of the children. Daily routines will reflect the structure and consistency expected in any supportive family household, with carers on hand to provide guidance and reassurance at all times.
- 3.13 To meet fire safety requirements, appropriate internal doors will be used where necessary. These will remain domestic in appearance and will not affect the overall layout, use, or residential character of the property.
- 3.14 The home will operate with two carers present during the daytime and two carers during the nighttime to provide continuous 24-hour support. At any one time, no more than two carers will be present at the property, supporting up to three children. Shift changes will be managed to ensure a smooth transition without exceeding the occupancy limit. At no time will there be more than five individuals (three children and two carers) present within the property.
- 3.15 The home will be overseen by a designated manager who will typically work off-site. Occasional visits to the property will be made during daytime hours, with scheduling managed to ensure that the total number of people present at any one time does not exceed five. The manager will also support community engagement and ensure that the home operates smoothly and respectfully within the neighbourhood.
- 3.16 The purpose of the home is to provide a supportive, nurturing environment that helps children build confidence, learn essential life skills, and prepare for independent living. The home will prioritise emotional wellbeing, structure, and consistency in order to support the children in achieving positive long-term outcomes.
- 3.17 During the day, it is expected that children will attend mainstream education or alternative provision such as college. In addition, they will be encouraged to take part in social and developmental activities. The home will not serve as a site for regular professional appointments, which will generally be held elsewhere.
- 3.18 Children will be taken to and collected from school each day by staff. Within the home, daily routines will mirror those of a typical family environment — including shared mealtimes, personal care routines, and participation in household responsibilities. The overarching aim is to create a sense of normalcy and belonging, helping the children to thrive in a stable setting.

- 3.19 If a child is not yet ready to attend mainstream education, arrangements will be made for alternative educational support through approved external providers. This will be tailored to individual needs and managed in a way that maintains the domestic character of the home.
- 3.20 The home will be designed to replicate, as closely as possible, a typical family environment. This approach aligns with current government guidance that encourages residential care settings to provide nurturing, stable homes where young people feel safe, respected, and supported.
- 3.21 Where possible, all meetings involving professionals, family members, or local authority staff will be scheduled off-site. This helps to minimise disruption and maintain a sense of routine and privacy for the children living in the home.
- 3.22 The home will provide tailored support for children with additional needs, working in partnership with local education and health services where appropriate. Any external support services will be arranged in a way that preserves the calm, residential character of the home.
- 3.23 As part of the Ofsted registration process, an assessment will be carried out to ensure the location is appropriate and supportive of the children's safety and development. This process is separate from planning considerations and ensures the home is well-integrated within the community.
- 3.24 Before each placement, careful consideration will be given to ensure the child's needs are well matched to the home environment and to any other residents. This helps maintain a stable and supportive household dynamic.
- 3.25 The property will serve as the children's sole and main residence. They will be supported in engaging in school, participating in everyday household routines, and developing life skills. With staff support, the children will form part of a structured and caring household that promotes a positive living environment.
- 3.26 The level of daily activity at the home will not be significantly different from that of a typical family dwelling.
- 3.27 Social workers and other professionals will only visit the property when necessary, and most appointments will be arranged off-site. Family visits are expected to be infrequent and, where appropriate, may take place away from the home to maintain a calm and consistent environment for all residents.
- 3.28 The property benefits from a rear driveway that can accommodate off-street parking for staff. In addition, there is ample on-street parking available nearby. The proposed use is not anticipated to result in any intensification of vehicle movements that would impact the local highway network or give rise to parking concerns.



Above: Image shows the availability of on-street parking with the application property to the rear.

4. CASE LAW

- 4.1 It is accepted that where care is provided by staff who do not reside permanently at the property, the use falls within Class C2 rather than Class C3b. In this case, carers will work on a rota basis, and the property will serve as the main and only residence of the children, not the staff.
- 4.2 There is well-established case law confirming that when carers work in shifts and do not live at the property as their permanent home, the use must be considered C2. This was confirmed in *North Devon District Council v First Secretary of State* [2003]. Mr Justice Collins stated that 24-hour care provided by rotating staff does not constitute a single household and cannot fall under Class C3b, even with fewer than six residents.
- 4.3 It is also essential to consider whether the proposed use results in a material change of use. Even where a change to Class C2 is proposed, planning permission is not automatically required if that change is not material in planning terms. Whether a change of use is material is a matter of fact and degree based on the site's specific characteristics and proposed use.
- 4.4 Material changes are typically those that result in a noticeable increase in activity, noise, or other physical or functional impacts. The key consideration is whether the proposed use would significantly alter the character of the property or its relationship with the surrounding area.
- 4.5 In this case, the number of comings and goings will be modest and largely consistent with what would be expected from a family dwelling. Staff will work on extended shifts, minimising daily vehicle movements, and the children will attend school or college during the day. Regular professional visits will be infrequent and largely take place off-site.
- 4.6 The proposed use is, therefore, not considered materially different in character or intensity from the lawful residential use. Visits by social services and other professionals will be infrequent and managed to minimise disruption. Occasional visits by friends will reflect the usual experience of children living in family homes.

5. ASSESSMENT

- 5.1 The key task in assessing this application is to compare the existing lawful use of the property as a C3 dwellinghouse with the proposed use as a small C2 residential care home. The proposed care home would provide accommodation for three children, supported by staff working on a rota basis. In many respects, the use would function in a manner very similar to a family household.
- 5.2 The children placed at the property would treat it as their main and sole residence, sharing access to the kitchen, dining and living areas. They would prepare and share meals, attend school or education provision during the day, and participate in household routines — all with the support and supervision of staff. This mirrors the day-to-day activity seen in typical residential settings.
- 5.3 The level of comings and goings is not expected to differ significantly from that associated with the lawful use as a single family dwelling. Two carers will be present during the daytime, and two carers during the nighttime, providing consistent supervision and care. Shift changes between day and night staff will be managed smoothly and without creating significant movement to and from the property. At any time, no more than two carers will be present, ensuring the total number of occupants, including children, does not exceed five persons.
- 5.4 Household tasks such as cooking, cleaning, and laundry will be carried out within the home and may include the children as part of their development of life skills. There will be no additional ancillary staff attending the property to perform domestic duties, helping to maintain a domestic character.
- 5.5 As outlined earlier, professional visits by social workers and other services will be infrequent, and most meetings or appointments will be arranged off-site. Family visits are rare and, where appropriate, will also take place outside the home to prevent disruption for other children.
- 5.6 The existing use of the property could involve three adults and multiple children, each with their own vehicles and guests. In comparison, the proposed use will involve no more than five individuals at any one time, maintaining a low level of activity consistent with that of a typical family dwelling.
- 5.7 It is, therefore, maintained that the use of the property as a small care home does not amount to a material change in the character or impact of the use. As such, planning permission should not be required, and a Lawful Development Certificate is considered appropriate.
- 5.8 This position is supported by the Egerton Appeal (Ref: 3161037), where the Inspector concluded that a care home with similar staffing and occupancy levels would not significantly increase movements or give rise to any planning concerns.
- 5.9 Similarly, in the Dale Road (Manchester) Appeal (Ref: 3:178), it was held that the frequency of movements associated with a small children's home was within the range expected of a typical family and did not amount to a material intensification of use. These examples are directly relevant and reinforce the position that the proposal at 418 Bury Road should be viewed as lawful under Class C2.
- 5.10 Visually, the property will remain unchanged from its appearance as a typical semi-detached dwelling. No external alterations are proposed, and the presence of carers will not affect the residential character of the area. At any one time, no more

than two carers will be present, supported by a stable and low-key operation reflecting domestic living patterns.

- 5.11 The nature of the proposed use is consistent with the definition of a dwellinghouse in both form and function. As per paragraph 25 of Circular 05/2010, consideration should be given to both the manner of use and the physical form of the building. In this case, the property remains self-contained, with shared living facilities and accommodation suited to domestic living, and a staffing structure that ensures low occupancy levels and minimal external impacts.
- 5.12 In a previous appeal decision in Stockport (Appeal Ref: 2162636), the presence of a small office and basic fire safety features such as alarms and doors were not deemed to alter the character of the property as a dwellinghouse. The same principle applies here: The inclusion of minor safety features, as required for care provision, does not materially change the residential appearance or layout of the property.
- 5.13 Concerns are sometimes raised about the risk of crime or anti-social behaviour associated with children's homes. However, such concerns must be based on robust evidence, not generalised assumptions. In planning terms, fear of crime can only be considered a material consideration where there is a clear and demonstrated risk.
- 5.14 It is acknowledged that local communities may have reservations about the introduction of care homes. However, the children who will live at 418 Bury Road are not offenders, nor is the home intended for emergency placements. These will be young people requiring stability and support, placed after full impact assessments and local authority approval.
- 5.15 The Appeal Ref: 2162636 also addressed this issue, stating that while fears of crime must be acknowledged, they carry limited weight unless there is strong evidence that the proposed use would lead to a serious and demonstrable impact on local amenity or safety. Incidents cited in other contexts were often related to poor management practices that were not inherent to the care home model.
- 5.16 There is no evidence to suggest that the proposed use at 418 Bury Road will lead to a significant increase in crime, noise, or disturbance. The home will be operated responsibly with appropriate oversight to maintain a safe and peaceful environment for all residents.
- 5.17 Therefore, it is concluded that the proposed use will not adversely affect neighbouring properties' living conditions and does not harm material planning. The area's character and appearance will remain unchanged, and the proposal should be supported in line with national and local policy promoting care for vulnerable children.

6. CONCLUSION

- 6.1 It is maintained that there is no significant difference in planning terms between the existing use of the property as a dwellinghouse and the proposed use as a small residential care home for three children. The carers, operating on a rota basis, will provide 24-hour support in a setting that is designed to replicate the structure, feel, and daily routine of a family home.
- 6.2 The children will treat the property as their sole and main residence, sharing communal facilities and participating in day-to-day household life. The home will be well-managed, with a stable staff team, low levels of comings and goings, and a focus on long-term placements.
- 6.3 The scale and character of the use will remain in keeping with the surrounding residential area. The frequency of vehicle movements and external activity will not materially exceed that of a typical family dwelling. No physical alterations to the building are proposed.
- 6.4 The proposed use aligns with national and local objectives to provide stable, high-quality care accommodation for vulnerable children within local communities. The home will be registered with Ofsted, ensuring it operates in a safe and supportive environment consistent with its residential character.
- 6.5 In light of the above, it is respectfully requested that the Local Planning Authority issue a Lawful Development Certificate to confirm that the proposed use of 418 Bury Road as a small care home for three children and three carers working on a rota basis is lawful under Class C2.