

MDM

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Planning Statement



Proposal

LDC for proposed change from C3(a) to C3(b) use of the dwelling as a dwelling house providing care

Site:

65 Mossway, Alkington, Middleton M24 1WS April 2024

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1 Introduction

- 1.1 This statement is to support a LDC (proposed use) application for 65 Mossway, Alkrington, Middleton M24 1WS, LDC to use for up to three children who are receiving care.

2 Site and context

- 2.1 The site is located on Mossway.
- 2.2 The House is a semi-detached building.
- 2.3 The house is a single-family dwelling house that falls under a C3(a) of the use class order.
- 2.4 It is not a listed building and is not in a conservation area.

3 Proposal

- 3.1 The proposal is and should be read as: Lawful development certificate (proposed) for the use of the dwelling as dwellinghouse providing care (Use Class C3(b)).
- 3.2 This LDC seeks to determine whether the Proposed Use is a lawful use under the use class order 1978 as amended.
- 3.3 The house will be used for 3 children (Aged 11-18) and an adult living together as a family dwelling and receiving care.
- 3.4 The facility is geared for children with Emotional and Behavioural Difficulties (EBD) and/or previous drug users.
- 3.5 The adult will live at the property to create a family atmosphere for the children.
- 3.6 The children will benefit from a family environment like a normal family setting.
- 3.7 The children would be cared for by adult staff members of whom 1 will live at the house.
- 3.8 This will be for children with Emotional and Behavioural Difficulties (EBD) and or previous drug users.
- 3.9 There will be no internal or external alterations to the property.
- 3.10 There won't be more than 6 people residing at the property in accordance with the Use Class Order 1987 order as amended.

4 Precedent

- 4.1 We have recently received approvals from 3 different LPAs for the same Lawful Development Certificate (LDC), akin to this one.
- 4.2 Ealing Council reference for this LDC is 240665CPL.
- 4.3 Hackney Council their reference for this LDC is 2024/0252.
- 4.4 Canterbury City their reference for this LDC is CA/24/00117.

5 Care provider

- 5.1 The home would be operated by Netpex Ltd, an experienced operator (over 25 years) and specialist in accommodating and supporting the needs of children and young people.
- 5.2 Netpex is an Ofsted regulated care provider and all care would be given in accordance with the national regulations.
- 5.3 They work with several Local Authorities and successfully manage several homes within the London M25 area.
- 5.4 The focus of the facility would be to care for the children of the Rochdale borough.

6 Relevant legislation

- 6.1 Town and Country Planning (Use Class) order 1987 (as amended)

7 Planning assessment

- 7.1 The intention is, that the house will continue to be used as a single-family dwelling for residents who will receive care.
- 7.2 The principal issue to consider is:
 - Whether planning permission is required for the proposed use.
- 7.3 Under the use Classes Order 1987 (as amended), the wording of Class C3 covers the use of 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).

- 7.4 It can be argued whether any change of use will occur in the house.
- 7.5 Although it can be argued that the element of care provided constitutes a change of use, the new use will be C3(b) which is within the use class C3 of the use class order, and no permission is required to change within the same use class.
- 7.6 In addition to the above. Should we still argue that the proposal does not meet the C3(b) criteria, in *North Devon District Council v FSS & Southern Childcare Ltd (2003)* the judge ruled that the change of use of a single-family dwelling to a care home is not considered a material change of use and no planning permission is required.

8 Conclusion

- 8.1 Based on the information submitted the proposal is not a material change of use and no planning is required.