



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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Prepared by:

Building Design Services bds2000@live.co.uk
418 Bury Road
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- 1.5 The property has been extended in the past by way of a single-storey rear extension, a rear dormer extension, and internal alterations to create a first-floor en-suite. These works have increased the usable floor space within the property, making it more suitable for the proposed use as a small care home. See below

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 by identifying local needs. Applicants are expected to engage with local authorities to determine whether there is demand for such services in the area. This is supported by the requirement for a location assessment as part of the Ofsted registration process, which considers local suitability and demand and forms part of the broader regulatory framework governing children's homes.

- 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. SITE AND SURROUDINGS

- 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 overall layout and size of the property make it suitable for the proposed use as a small children's care home
- 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 suitable for a small-scale residential care setting, with access to schools, healthcare, and recreational facilities all within reasonable distance.



Above: Aerial Image indicating the property with local amenities within walking distance to the south and open space to the north.



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. For safeguarding purposes, door alarms will be fitted to both the front and rear entrances. Each child will have their own bedroom with a lockable door, providing both privacy and security. Bedroom doors will be fitted with thumb locks on the inside, and each child will be given their own key, ensuring a balance between independence and supervision.
- 3.3 CCTV will be installed at the front and rear of the property for the purpose of external monitoring and safeguarding. The system will be used in accordance with relevant data protection legislation and guidance, ensuring that the privacy and dignity of the residents are upheld at all times. No internal CCTV will be used within the home.
- 3.4 The Registered Manager will take a proactive approach in engaging with the local community. Upon opening, the Manager will introduce themselves to neighbouring residents, provide contact details, and encourage open communication. If residents have any concerns, they will be provided with a complaints form and clear guidance on how to raise any issues. In cases where concerns cannot be resolved locally, neighbours will be advised of their right to escalate matters directly to Ofsted.
- 3.5 Prior to the home becoming operational, it will be registered with Ofsted, which holds regulatory authority beyond the scope of normal planning control. As part of the registration process, Ofsted will require a comprehensive local risk assessment to ensure the suitability of the location for use as a children's care home. This ensures that planning is not the sole form of regulation governing such use. The operation of the home will also be subject to ongoing compliance with relevant legislation and care standards, ensuring the highest level of oversight and safeguarding. In the case of children's care homes, the
- relevant powers are set out in:
 - Care Standards Act 2000
 - The Care Standards Act 2000 (Registration)(England) Regulations 2010
 - The Children's Homes (England) Regulations 2015
 - Children's Homes and Looked after Children (Miscellaneous Amendments) (England)
 - Regulations 2013.
- 3.6 In line with Ofsted requirements, the home will be operated to resemble a typical family household closely. Although staff will work on a rota basis to provide 24-hour care, the day-to-day environment will be homely and nurturing. The only physical requirements mandated by Ofsted include emergency lighting (which is visually indistinguishable from standard domestic lighting) and locks on bedroom doors to ensure the privacy of each child. These measures are considered standard safeguarding provisions and do not materially alter the residential character of the property.

- 3.7 The Ofsted Guide to Children's Homes requires that each home provides a Children's Guide to ensure young people understand their rights, routines, and the support available to them. Bedrooms are to be treated as private spaces, with entry by staff permitted only when necessary and appropriate. Children will also be provided with lockable storage for their personal belongings and sensitive information. The use of any monitoring equipment, such as CCTV, will follow Ofsted guidance to ensure safeguarding without compromising the children's dignity or privacy. Comprehensive records and procedures will be in place to meet all monitoring and compliance requirements. Introducing residential uses within mixed-use developments can enhance diversity, improve security, and contribute to a more vibrant environment, particularly during evenings and weekends when commercial activity may be reduced.
- 3.8 In addition to Ofsted's annual inspection, there will be regular monthly visits by the relevant local authority social workers, as well as monthly Regulation 44 monitoring visits by an independent visitor. Each child will have an allocated social worker who will visit them individually; where multiple children are placed by the same authority, some visits may be coordinated. Other professional or clinical appointments will generally be arranged to take place away from the home to minimise disruption and maintain a stable home environment.
- 3.9 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.
- 3.10 Visits from family and friends are generally discouraged, as they can sometimes be unsettling for the children or affect the stability of the home. Where such visits are considered appropriate and in the best interests of the child, they will usually take place off-site in a neutral and supervised setting. This ensures that the emotional environment within the home remains stable and focused on the needs of all residents.
- 3.11 Staff will be present at the property with the children at all times. Under no circumstances will the children be left unsupervised. The home will operate with a strong safeguarding ethos, ensuring that all residents are accounted for and appropriately supported throughout the day and night.
- 3.12 Due to the complex needs of the children, continuous supervision is essential. The front and rear doors will be fitted with alarms to alert staff if they are opened. These measures are intended to maintain a secure environment and promote community safety and cohesion.
- 3.13 3.13 All children will be expected to be in the home and settled in their rooms by 10pm each evening. In the event that a child does not return by curfew, staff will conduct a local search of known locations. If the child is not located, staff will follow the pre-agreed "missing from care" protocol, which is completed upon each child's arrival at the home. All staff will be trained in this procedure to ensure a swift and coordinated response.
- 3.14 In accordance with fire safety regulations, all doors leading to escape routes will be fitted with fire doors. These doors are domestic in appearance and will not materially affect the character or layout of the property.

- 3.15 The home will operate with two carers present during the daytime and two carers during the nighttime to provide continuous 24-hour care. At any one time, no more than two staff members will be present at the property, supporting up to three children. Shift changes will be carefully managed to ensure a smooth transition between day and night staff, without exceeding the occupancy limit. At no time will there be more than five individuals (three children and two carers) present within the property.
- 3.16 A Registered Manager will oversee the running of the home. While primarily based off-site, the Manager will visit the property regularly during daytime hours, usually between 9am and 5pm, for short periods. All visits will be scheduled and managed to ensure that the total number of people at the property at any one time does not exceed five. The Manager will also be responsible for building positive relationships with local residents and addressing any concerns raised.
- 3.17 All staff members will have experience in the children's care sector and will undergo a thorough induction. Where not already qualified, staff will be supported in obtaining a Level 3 Diploma in Residential Childcare. The Registered Manager will hold or be working towards a Level 5 Diploma in Leadership and Management for Residential Childcare. Ongoing CPD and face-to-face training will form part of staff development.
- 3.18 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.
- 3.19 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.
- 3.20 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.
- 3.21 In situations where a child is not yet ready to attend mainstream education, the home will arrange for alternative provision. This may include on-site tutoring by fully qualified and experienced education professionals. An individualised learning package will be created based on the child's needs, ensuring they receive the best possible support to progress academically and emotionally.
- 3.22 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.
- 3.23 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.
- 3.24 The home will provide additional support for children with learning difficulties, including access to sensory, visual, and educational therapies. The staff team will work in collaboration with local education and health services to deliver a holistic care plan tailored to each child's needs.

- 3.25 As part of the Ofsted registration process, a comprehensive Location Risk Assessment will be undertaken. This will assess the suitability of the area in consultation with local police and social services. The purpose of the assessment is to ensure that the placement environment supports the safety, development, and wellbeing of the children.
- 3.26 In addition to the location risk assessment, an individual impact risk assessment will be carried out for each child prior to placement. This process ensures compatibility with any other children placed in the home and confirms that the home can meet the needs of the individual.
- 3.27 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.
- 3.28 The level of daily activity at the home will not be significantly different from that of a typical family dwelling.
- 3.29 Social workers and other professionals will only visit the property as necessary, and many appointments will be arranged off-site. Due to the children's backgrounds and care plans, family visits are rare and, when appropriate, are held away from the home to prevent disruption to other residents.
- 3.30 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 to be materially different in character or intensity from the lawful residential use. Social services visits will occur approximately once every six weeks, and Ofsted will inspect the property annually in line with regulatory expectations. Friends may occasionally visit, but only in accordance with the children's individual care plans, which again mirrors the experience of children in typical 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 staff will not impact the residential character of the area. At any one time, no more than two staff members will be present, supported by a stable and low-key operation that reflects 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 No evidence in this case suggests that the proposed use at 418 Bury Road would result in a significant or unacceptable increase in crime, noise, or disruption. The home will be well-managed by experienced professionals and regulated by Ofsted, ensuring a high standard of care and oversight.
- 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 fully registered with Ofsted and operate under the relevant legislative and regulatory frameworks.
- 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.