



FOR ASSISTANCE IN COMPLETING THIS FORM CONTACT

Economy and Environment
Planning Service
Number One Riverside
Smith St
Rochdale
OL16 1XU

Phone : 01706 924305

EMAIL : development.control@rochdale.gov.uk

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Application for a Lawful Development Certificate for a Proposed Use or Development

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

13

Suffix

Property Name

Address Line 1

Harry Street

Address Line 2

Address Line 3

Rochdale

Town/city

Rochdale

Postcode

OL11 3HS

Description of site location must be completed if postcode is not known:

Easting (x)

387965

Northing (y)

411203

Description

Applicant Details

Name/Company

Title

Mr

First name

Elliot

Surname

Sparks

Company Name

Pennine Social Care Ltd

Address

Address line 1

Rhodes Bank Chambers

Address line 2

184-188 Union Street

Address line 3

Town/City

Oldham

County

Greater Manchester

Country

United Kingdom

Postcode

OL1 1EN

Are you an agent acting on behalf of the applicant?

- ☐ Yes
☒ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

***** REDACTED *****

Fax number

Email address

***** REDACTED *****

Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

- ☐ Yes
☒ No

Does the proposal consist of, or include, a change of use of the land or building(s)?

- ☐ Yes
☒ No

Has the proposal been started?

- ☒ Yes
☐ No

Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

The address is presently being used a small children's care home. We were previously advised independently to apply under for a certificate of lawfulness under C3(b) but have subsequently been advised by Planning to reapply under C2, as per this statement:

'The leading authority on whether small children's care homes are C3 or C2 remains from the High Court ruling in North Devon DC v FSS [2003] EWHC 157 (Admin). Where the judge concluded that children living in the property with no adult residing permanently was not a "household" for the purposes of Class C3. The judge considered that children could not be expected to run a house and therefore cannot be considered as a single household without a permanent resident carer even if there is 24 hour on site care. It is a C2 use.'

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

Select the use class that relates to the existing or last use.

C3 - Dwellinghouses

Information about the proposed use(s)

Select the use class that relates to the proposed use.

C2 - Residential institutions

Is the proposed operation or use

- ☒ Permanent
☐ Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

The address has been used as a single-occupancy children's home since late 2023 when our temporary use of the property for emergency accommodation purposes lapsed over 28 days. The short-term arrangement to accommodate a young person with complex needs at the address effectively became permanent when the 28 days lapsed, which was due to there being no alternative specialist single-occupancy home locally that would meet this individual's needs. We have liaised with OFSTED for advice and registration support throughout this process. We have operated, and continue to operate, the home in line with all requirements of children's home legislation since that time. We respectfully seek a certificate of lawfulness to validate the ongoing use of the property for this purpose.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes
☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☐ The agent
☒ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☒ Yes
☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

First Name

***** REDACTED *****

Surname

***** REDACTED *****

Reference

23/01205/CPE

Date (must be pre-application submission)

02/07/2024

Details of the pre-application advice received

Aimee Bovaird advised that we should withdraw our existing application for a certificate of lawfulness under C3(b) and submit a new application under C2 as per the precedent set by the ruling in North Devon DC v FSS [2003] EWHC 157 (Admin).

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☐ Yes
- ☒ No

Interest in the Land

Please state the applicant's interest in the land

- ☐ Owner
- ☒ Lessee
- ☐ Occupier
- ☐ Other

If Lessee or Occupier, please give details of the owner and state whether they have been informed in writing of this application

***** REDACTED *****

Declaration

I/We hereby apply for Lawful development: Proposed use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Elliot Sparks

Date

18/07/2024