

MATERIALITY POSITION STATEMENT

90 Turks Road, Radcliffe, M26 4QB



1.0 Purpose of this Statement

1.1 Introduction

This Materiality Position Statement has been prepared in support of an application for a **Certificate of Lawfulness of Proposed Use** pursuant to **section 192 of the Town and Country Planning Act 1990** relating to:

90 Turks Road, Radcliffe, M26 4QB

The application seeks confirmation from **Bury Metropolitan Borough Council** that the proposed use of the property as a small, family-style children's home accommodating **one child or young person only** would be lawful if instituted at the date of the application.

The proposed use would fall within **Use Class C2** because accommodation and care would be provided to a child by non-resident staff working on a rota basis. However, the purpose of this statement is to consider whether the proposed use would result in a **material change of use** from the property's existing lawful use as a dwellinghouse.

This document has been prepared having regard to:

- the Town and Country Planning Act 1990;
- relevant case law, including North Devon District Council v First Secretary of State and Southern Child Care Ltd;
- recent Bury Metropolitan Borough Council lawful development certificate decisions;
- the operational arrangements proposed for 90 Turks Road;
- the physical characteristics of the property;
- the domestic layout shown on the submitted floor plans;
- the limited scale and nature of the proposed occupation.

The submitted Materiality Position Statement for 132 Girton Road adopts the same core approach, namely that a change in Use Class and a material change of use are distinct planning questions, and that the practical use of the property must be assessed as a matter of fact and degree.

This statement should be read alongside the Planning Statement, Operational Management Statement, Good Neighbour Policy, Travel and Parking Plan, Need and Demand Statement and submitted floor plans.

1.2 Purpose of a Materiality Assessment

The planning system distinguishes between a **change in Use Class** and a **material change of use**.

The proposed use is accepted to fall within **Use Class C2** because care would be provided by non-resident staff working on a rota basis. However, it does not automatically follow that planning permission is required.

The material planning question is whether the practical use of the property would be materially different from its existing lawful residential use.

The Courts and Inspectors have consistently confirmed that:

- a change of Use Class does not automatically constitute development;

- a change of Use Class does not automatically result in a material change of use;
- materiality must be assessed separately;
- materiality is a matter of fact and degree;
- the practical planning consequences of the use are the key consideration.

Accordingly, the principal issue is not whether the proposed use can be described as C2, but whether the use of the property as a single-child children's home would materially alter the character, scale, appearance, activity or planning consequences of the dwelling.

1.3 Scope of Assessment

This statement does not seek to undertake a planning balance exercise.

Matters such as housing need, social need, public benefit, planning policy support, public objection or the desirability of the use are not determinative of whether a material change of use would occur.

The assessment is focused on the legal question of whether the proposed occupation would be materially different from the existing lawful use of the property as a dwellinghouse.

The assessment therefore considers:

- the character of occupation;
- the scale of occupation;
- the intensity of activity;
- the physical characteristics of the property;
- the internal layout;
- vehicle movements;
- visitor activity;
- staffing arrangements;
- whether the property would remain a single planning unit;
- whether the use would remain residential in character.

1.4 Summary Position

For the reasons set out in this statement, it is considered that the proposed use would **not** result in a material change of use.

The proposal would retain the principal characteristics associated with residential occupation, including:

- occupation as a home;
- domestic living arrangements;
- single-child occupation only;

- family-style daily routines;
- residential appearance;
- no external alterations;
- no signage;
- no public-facing use;
- no emergency placements;
- no subdivision of the property;
- a single planning unit;
- limited vehicle movements;
- modest levels of activity.

The proposed use would therefore remain residential in character and would not materially alter the planning character of the property.

Accordingly, the proposal would not constitute development within the meaning of **section 55 of the Town and Country Planning Act 1990** and is capable of being certified lawful under **section 192**.

2.0 The Existing Lawful Use

2.1 Existing Use of the Property

90 Turks Road comprises a 3-bedroom, 2-bathroom semi-detached dwellinghouse of approximately **91 sq m**.

The property is located within an established residential area and currently benefits from a lawful residential use as a single dwellinghouse falling within **Use Class C3**.

The property exhibits the physical characteristics typically associated with a family dwelling. It is not purpose-built as an institution, hostel, care facility or commercial premises.

No external alterations are proposed as part of this application.

2.2 Existing Domestic Layout

The submitted ground floor plan shows a conventional domestic layout comprising:

- living room
- kitchen and dining room
- ground-floor toilet

The submitted first floor plan shows:

- **Bedroom 1**
- bathroom

- **Bedroom 3**
- **Bedroom 2**

The applicant has confirmed that **Bedroom 1 benefits from an ensuite bathroom**, although this is not currently shown on the submitted first floor plan. No external alterations are proposed in connection with the application.

The floor plans demonstrate that the property would remain a conventional domestic dwelling in layout and appearance.

2.3 Existing Residential Function

The lawful C3 use of the property permits a broad range of residential occupation.

A dwellinghouse can lawfully be occupied by:

- a couple with children;
- a single parent family;
- a multi-generational family;
- foster carers and foster children;
- a household with home workers;
- individuals receiving care or support;
- a household with regular visitors;
- a household with multiple vehicles.

The planning system does not normally regulate the personal characteristics of occupiers. The benchmark for assessing materiality is therefore not a narrow or idealised household, but the broad range of activities and occupation patterns that may lawfully occur within a dwellinghouse.

This is important because many ordinary residential households generate varying levels of activity, visitors, professional attendance, care arrangements and vehicle movements without changing the planning use of the property.

2.4 Existing Planning Unit

The property currently functions as a single residential planning unit.

The application does not propose:

- subdivision of the dwelling;
- creation of separate flats or units;
- independent accommodation;
- external alterations;
- extensions;

- engineering operations;
- physical expansion;
- institutional conversion.

The property would continue to function as a single residential planning unit.

The absence of any change to the planning unit is an important factor weighing against a material change of use.

2.5 Existing Residential Activity

The lawful use of the property allows ordinary domestic activities including:

- sleeping;
- eating;
- cooking;
- socialising;
- watching television;
- studying;
- home working;
- family contact;
- visitors;
- healthcare appointments;
- deliveries;
- tradesperson attendance;
- use of private outdoor space;
- vehicle arrivals and departures.

The proposed use would not introduce activities fundamentally different from those already associated with residential occupation.

2.6 Existing Character of the Property

The property is clearly residential in both appearance and function.

There are no proposed physical changes that would distinguish the property from neighbouring dwellings. There would be no signage, advertising, reception area, public counter, external security kiosk, external equipment or institutional appearance.

The property would continue to read visually and functionally as a single family dwelling.

3.0 The Proposed Use

3.1 Nature of the Proposed Use

The proposed use comprises the occupation of 90 Turks Road as a small, family-style children's home for **one child or young person only**.

The child would reside at the property as their home. Care and support would be provided by non-resident staff working on a rota basis.

The proposed use is deliberately limited and low intensity. The application is not for a general unrestricted C2 use. It is for a carefully defined single-child model.

The proposed use would not involve:

- a hostel;
- a house in multiple occupation;
- a refuge;
- secure accommodation;
- short-stay crisis accommodation;
- emergency placements;
- a public-facing service;
- a treatment centre;
- a clinic;
- an educational establishment;
- a multi-child institution;
- subdivision of the dwelling.

The home would provide a stable, domestic, family-style environment for one child.

3.2 Scale of Occupation

The proposed occupancy is limited to **one child or young person only**.

This restriction is fundamental to the proposed planning envelope.

A 3-bedroom dwellinghouse could ordinarily accommodate a larger family household than the proposed use. For example, the property could lawfully accommodate two adults and children, a single parent with children, a multi-generational household, foster care arrangements or a household receiving care and support.

The proposed single-child model is therefore modest in scale and would not represent an intensification of residential occupation beyond what could ordinarily occur within the lawful C3 use.

3.3 Residential Nature of Occupation

The day-to-day activities occurring within the property would be those ordinarily associated with residential living.

The child would:

- sleep at the property;
- eat meals at the property;
- use the living room and kitchen/dining room;
- attend education or training where applicable;
- complete homework and personal activities;
- watch television;
- engage in hobbies and recreation;
- attend appointments;
- participate in ordinary household routines;
- have family contact where appropriate and planned.

These activities are domestic in character.

The provision of professional support by care staff does not alter the fundamental residential nature of the activities taking place. The property would continue to be used as a home.

3.4 Internal Accommodation Arrangement

The internal arrangement would remain domestic.

At ground floor level, the living room and kitchen/dining room would be used for ordinary household activity, including meals, recreation, relaxation and day-to-day domestic routines.

At first floor level:

Bedroom 1 would be used as the sole bedroom for the child or young person. The applicant confirms that Bedroom 1 benefits from an ensuite bathroom, although this is not currently shown on the submitted plan.

Bedroom 2 would be used as staff quarters / office and storage space ancillary to the operation of the home.

Bedroom 3 would be retained as a flexible room within the domestic layout of the property.

The existing bathroom would remain available within the first floor layout.

This arrangement does not create an institutional layout. The house would remain a single domestic dwelling with ordinary living, sleeping, bathroom and kitchen accommodation.

3.5 No Emergency Placements

The home would not accept emergency placements.

All placements would be planned and assessed in advance. This would ensure that the placement is appropriate, stable and compatible with the family-style environment proposed.

The absence of emergency placements is an important material consideration because it reduces the potential for:

- short-notice admissions;
- high turnover;
- crisis-led activity;
- increased vehicle movements;
- increased professional attendance;
- instability in the household environment.

The proposed use would therefore remain predictable, planned and low intensity.

3.6 Future Operator and Management

The applicant is the owner of the property. It is intended that a future external operator would take responsibility for the day-to-day management of the home, staffing arrangements, care delivery, safeguarding and regulatory compliance.

The absence of a named operator at this stage does not alter the materiality assessment. The LDC is sought for a defined use of the land and building, within a clearly described planning envelope.

Any future operator would be required to operate within:

- the terms of the lawful development certificate;
- the submitted Planning Statement;
- the Operational Management Statement;
- the Good Neighbour Policy;
- the Travel and Parking Plan;
- the no emergency placements restriction;
- the no external alterations restriction.

The proposed use would not commence until the appropriate operational and regulatory arrangements are in place.

3.7 Staffing Arrangements

The home would be staffed by non-resident care staff working on a rota basis.

Staffing would be determined by the future operator in accordance with the child's assessed needs, Ofsted registration requirements and care planning arrangements. For the purposes of the LDC application, the key planning points are:

- the home is limited to one child only;
- staff would not be permanently resident;

- staff would attend to support the child in a domestic setting;
- handovers would be managed internally;
- staff movements would be organised to minimise unnecessary disturbance;
- there would be no public-facing staff office use;
- there would be no open-ended employment use of the premises.

The presence of care staff does not, in itself, create a material change of use. The question is whether the practical consequences of the staffing arrangements would materially alter the residential character of the property.

In this case, they would not.

3.8 Visitors and Professional Attendance

The home may receive visits from professionals connected with the child's care and welfare, such as:

- social workers;
- healthcare professionals;
- education professionals;
- placing authority representatives;
- Ofsted or regulatory visitors;
- family members where planned and appropriate;
- maintenance contractors by appointment.

Such visits would be planned wherever possible and would not be materially different from professional or family visits that can occur at ordinary residential dwellings.

The property would not operate on a drop-in basis and would not be open to the public.

3.9 Vehicle Movements

Vehicle movements would principally comprise:

- staff arrivals and departures;
- child-related journeys to education, appointments or activities;
- planned professional visits;
- ordinary household deliveries;
- maintenance visits by appointment;
- family contact visits where appropriate.

This level of activity would be comparable to that associated with many residential households, including households with working adults, school-age children, carers, visitors, tradespeople and deliveries.

The proposed use would not generate vehicle movements materially different from those associated with a dwellinghouse.

3.10 Summary of Proposed Use

The proposed use can be summarised as follows:

Operational Characteristic Proposed Arrangement

Use	Small family-style children's home
Use Class	C2
Existing Use	C3 dwellinghouse
Emergency Placements	Not accepted
External Alterations	None
Signage	None
Public-Facing Use	None
Property Layout	Domestic dwelling layout retained
Bedroom 1	Child's bedroom with ensuite confirmed by applicant
Bedroom 2	Staff quarters / office and storage
Bedroom 3	Flexible room
Planning Unit	Single residential planning unit
Operator	Future external operator to manage care and staffing
Overall Character	Domestic, residential and family-style

The proposal therefore represents a small-scale, carefully managed and fundamentally residential form of occupation.

4.0 Legislative and Legal Framework

4.1 Section 192 of the Town and Country Planning Act 1990

This application is submitted pursuant to **section 192 of the Town and Country Planning Act 1990**.

Section 192 provides a mechanism by which an applicant may obtain a Certificate of Lawfulness confirming that a proposed use would be lawful if instituted at the date of the application.

The role of the Local Planning Authority is not to determine whether the proposal is desirable in planning policy terms. Instead, the Authority must determine a question of fact and law: whether planning permission would be required for the proposed use.

The burden of proof rests with the applicant and the relevant standard is the balance of probability.

4.2 Section 55 — Definition of Development

Section 55 of the Town and Country Planning Act 1990 provides that development includes the making of a **material change in the use** of any buildings or other land.

No operational development is proposed.

There are no proposed:

- extensions;
- external alterations;
- new buildings;
- engineering operations;
- external plant;
- signage;
- external works requiring planning permission.

The sole question is therefore whether the proposed occupation would amount to a **material change of use**.

4.3 Material Change of Use

A material change of use occurs where the character of the use of land becomes materially different in planning terms.

Materiality is not determined solely by:

- ownership;
- regulation;
- Ofsted requirements;
- the identity of occupiers;
- whether care is provided;
- whether staff are present;
- the label attached to the use class.

Instead, materiality is assessed by reference to practical planning consequences, including:

- character of occupation;
- scale of occupation;

- intensity of activity;
- visitor activity;
- vehicle movements;
- physical changes;
- planning unit;
- appearance and character of the property.

The assessment is one of fact and degree.

4.4 North Devon District Council v First Secretary of State and Southern Child Care Ltd

North Devon remains the leading authority in respect of children's homes.

The case confirms that where children are cared for by non-resident staff working on a rota basis, the use is properly regarded as falling within **Use Class C2** rather than **Use Class C3**.

However, North Devon does not establish that planning permission is automatically required whenever a children's home falls within Class C2.

The key principles are:

- use class and materiality are separate questions;
- a C2 use does not automatically constitute development;
- the question of materiality must be assessed independently;
- materiality is a matter of fact and degree;
- the practical consequences of the use are central.

Bury's own officer reports adopt this approach. In the 109 Windsor Road delegated report, the Council recognised that a non-resident rota staff model places the use within Class C2, but also that a change from C3 to C2 may not amount to a material change of use if there is no material difference in activity from a conventional residential use.

4.5 Legal Test to be Applied

The relevant question can therefore be summarised as follows:

Would the proposed use of 90 Turks Road as a small, family-style children's home for one child result in a planning unit that is materially different in character, scale, appearance or operation from the existing lawful use of the property as a dwellinghouse?

For the reasons set out below, the answer is no.

5.0 Assessment of Materiality

5.1 Character of Occupation

The principal consideration is the character of occupation.

The proposed use would involve one child living at the property as their home. The day-to-day activities would be domestic and residential.

The child would sleep, eat, study, relax, socialise, attend school or appointments, receive support and participate in normal household routines.

The property would not operate as an institution, hostel, treatment centre, educational facility, public service or commercial premises.

The character of occupation would therefore remain residential.

5.2 Scale of Occupation

The proposed scale of occupation is modest.

The proposal is limited to **one child only**. This is materially less intensive than many ordinary family households that could occupy a 3-bedroom dwelling.

The property could lawfully be occupied by a larger family, a multi-generational household, foster carers and children, or a household with care and support arrangements.

The proposed scale of occupation would therefore sit well within the normal range of residential activity associated with a dwellinghouse.

5.3 Residential Activities

The activities within the property would remain domestic.

The property would continue to be used for:

- sleeping;
- eating;
- recreation;
- education-related activity;
- household routines;
- family-style support;
- relaxation;
- ordinary day-to-day living.

There would be no:

- public reception area;
- clinical treatment room;
- teaching facility;

- commercial office use;
- customer or client attendance;
- institutional activity.

The use would therefore remain residential in form and function.

5.4 Staffing Arrangements

Care staff would be present to support one child in a domestic environment.

The staffing arrangements would be managed by the future operator and would be designed to provide continuity of care while avoiding unnecessary operational activity.

Staffing would not alter the residential character of the property because:

- staff would support ordinary domestic routines;
- staff would not create a separate planning unit;
- staff would not operate a public-facing service;
- staff handovers would take place internally;
- staff arrivals and departures would be managed;
- staff presence would be ancillary to the child's residential occupation.

Bury has already accepted that staff numbers alone are not determinative. In the 109 Windsor Road officer report, the Council concluded that the presence of one child and three adults would not go beyond what would be expected of a standard family unit in a two-storey, 3-bedroom dwellinghouse.

The proposed use at 90 Turks Road is directly comparable and, in planning terms, modest.

5.5 Vehicle Movements

Vehicle movements would be limited and predictable.

The main vehicle movements would arise from:

- staff arrivals and departures;
- education journeys;
- appointments;
- planned professional visits;
- family contact where appropriate;
- ordinary deliveries.

This pattern of vehicle movement is comparable to that of a residential household with working adults, school-age children, visitors, appointments and deliveries.

The proposed use would not create the type of vehicle activity associated with a commercial, institutional, public-facing or high-turnover use.

5.6 Visitors and Professional Attendance

Professional visitors may attend the property from time to time. These may include social workers, education professionals, health professionals, Ofsted inspectors, placing authority representatives and family members where appropriate.

Such visits would be planned and managed.

The presence of visitors does not alter the residential character of the property. Ordinary households may receive visits from family, friends, health professionals, tutors, tradespeople, support workers and social care professionals.

Bury has previously accepted that visitors such as social workers and education professionals are consistent with the activity of a normal household. This was expressly recorded in the 109 Windsor Road officer assessment.

5.7 Physical Characteristics of the Property

The physical characteristics of the property would remain unchanged.

The proposal involves:

- no extensions;
- no external alterations;
- no additional buildings;
- no engineering operations;
- no external plant;
- no signage;
- no commercial branding;
- no institutional appearance.

The property would continue to appear as an ordinary semi-detached dwelling.

This weighs strongly against a material change of use.

5.8 Internal Layout

The internal layout would remain residential and domestic.

The ground floor contains ordinary family living space, including a living room, kitchen/dining room and WC.

The first floor contains Bedroom 1, Bedroom 2, Bedroom 3, a bathroom and circulation space.

The proposed room use would retain the domestic character of the dwelling:

- Bedroom 1 — child's bedroom, with ensuite confirmed by the applicant;
- Bedroom 2 — staff quarters / office and storage;

- Bedroom 3 — flexible room.

The use of one room for staff quarters / office and storage ancillary to the care of one child does not create a materially different planning character. Small office, records or staff spaces have been considered within previous children's home LDC assessments and do not, in themselves, create a material change of use.

5.9 Planning Unit

The property would remain a single planning unit.

There would be no subdivision, no separate tenancies, no separate flats, no separate entrance arrangements and no independent residential units.

The continued use of the property as one single dwelling-like planning unit is a strong indicator that the use remains materially residential.

5.10 No Emergency Placements

The exclusion of emergency placements is a significant material consideration.

It means the home would not operate as a short-notice crisis facility or high-turnover placement setting. All placements would be planned and assessed.

This supports:

- stability;
- low turnover;
- predictable occupation;
- reduced visitor and vehicle activity;
- a calmer domestic environment;
- better integration with ordinary residential character.

5.11 Overall Assessment of Materiality

When considered collectively, the characteristics of the proposed use demonstrate that 90 Turks Road would continue to function as a home.

The proposal involves:

- one child only;
- residential occupation;
- domestic activities;
- family-style routines;
- no emergency placements;
- limited vehicle movements;

- limited visitor activity;
- no external alterations;
- no signage;
- no public-facing use;
- no subdivision;
- a single planning unit.

The practical realities of occupation would remain closely aligned with those associated with a dwellinghouse.

Accordingly, the proposed use would not result in a planning unit materially different in character, appearance or operation from the existing lawful residential use.

No material change of use would arise.

6.0 Assessment Against Recent Bury Metropolitan Borough Council LDC Decisions

6.1 Relevance of Recent Bury Decisions

Recent decisions by Bury Metropolitan Borough Council are highly relevant because they demonstrate the Council's current approach to materially similar proposals within the same local planning authority area.

The decisions show that Bury has accepted that small-scale children's home use may fall within Class C2 but not amount to a material change of use from Class C3 where the practical character, activity and occupation remain comparable to a dwellinghouse.

The proposed use at 90 Turks Road is consistent with this approach.

6.2 149 Wood Street, Bury, BL8 2QX — Application 73157

Bury Metropolitan Borough Council granted a Certificate of Lawfulness for:

“proposed change of use from dwellinghouse (Use Class C3) to small children's home (Use Class C2) for one child aged 7–18 with care provided by non-resident staff on 24 hour rota.”

The Council certified that the proposal was lawful and not considered to constitute development within the meaning of section 55 of the Town and Country Planning Act 1990.

This decision is directly comparable to 90 Turks Road because both proposals involve:

- a dwellinghouse;
- a proposed C2 children's home use;
- one child only;
- non-resident care staff;

- a domestic residential setting;
- no requirement for a full planning application where no material change of use arises.

The 90 Turks Road proposal is therefore strongly aligned with a recent Bury decision for a single-child C2 children's home.

6.3 109 Windsor Road, Prestwich, M25 0DF — Application 73056

Bury Metropolitan Borough Council also granted a Certificate of Lawfulness for the proposed use of a dwellinghouse to provide residential care accommodation for **one young person aged 8–18**, with up to **three carers working on a rota basis**.

The certificate states that the proposed use would not represent a material change of use from the existing Class C3 dwellinghouse use and would therefore be lawful development.

The officer report is particularly important. It records that:

- the proposed use would fall within Class C2 because carers would be non-resident and working on a rota basis;
- the material question was whether the use would be materially different from a typical C3 dwellinghouse;
- the residence of one child and three adults would not go beyond what would be expected of a standard family unit in a two-storey, 3-bedroom dwellinghouse;
- the comings and goings would not be unlike those of a residential household;
- visitors such as social workers and education professionals would be consistent with the activity of a normal household;
- the proposal would not amount to a material change of use.

This is one of the strongest comparators for 90 Turks Road because 90 Turks Road is also a 3-bedroom dwelling and the proposed use is for one child only.

6.4 7 Brocklehurst Avenue, Bury, BL9 9AQ — Application 72901

Bury Metropolitan Borough Council granted a Certificate of Lawfulness for a proposed change of use from a dwelling to a residential children's home for **up to two children**, with up to **two full-time carers and one manager** present on site, working on a rotational basis.

The Council concluded that the use would not represent a material change of use from the existing Class C3 dwellinghouse use and would therefore be lawful development.

This proposal was more intensive than the proposed use at 90 Turks Road because it allowed up to two children and up to three staff/managerial persons.

The 90 Turks Road proposal is materially less intensive because:

- it is limited to one child only;
- emergency placements are excluded;
- no external alterations are proposed;

- the property would remain a single domestic planning unit;
- the use would be family-style and low intensity.

If Bury accepted the Brocklehurst Avenue proposal as not amounting to a material change of use, there is a strong basis for concluding that the more limited proposal at 90 Turks Road should also be certified lawful.

6.5 109 Windsor Road, Prestwich — Application 72930

Bury also granted a Certificate of Lawfulness at 109 Windsor Road for residential care accommodation for **two young people aged 8–18**, with carers working on a rota basis.

The certificate states that the proposal would not represent a material change of use from the existing Class C3 dwellinghouse use and would therefore be lawful development.

The officer report concluded that activity at the property would be akin to that of the existing dwelling and that a material change of use would not occur.

Again, this is a more intensive proposal than the one now advanced at 90 Turks Road because it allowed two young people. The Turks Road proposal is restricted to one child only.

6.6 Summary of Bury LDC Precedents

The recent Bury decisions establish a clear and consistent pattern.

Bury has accepted that small children's home uses can be certified lawful where:

- the property remains residential in character;
- the use falls within Class C2 but does not materially alter the planning character;
- occupation levels are comparable to a normal household;
- staff operate on a rota basis;
- visitor activity is comparable to ordinary residential activity;
- vehicle movements are not materially different from a dwellinghouse;
- the property remains a single planning unit;
- there are no external alterations or institutional features.

The proposal at 90 Turks Road sits comfortably within this approach.

Indeed, the proposal is less intensive than several of the approved examples because it is limited to **one child only** and excludes emergency placements.

6.7 Comparison Table

Site	Approved / Certified Use	Scale	Council Conclusion	Relevance to 90 Turks Road
149 Wood Street, Bury	Small C2 children's home for one child aged 7–18 with non-resident staff on 24-hour rota	One child	Lawful / not development requiring planning permission	Directly comparable single-child C2 LDC
109 Windsor Road, Prestwich — 73056	C2 residential care accommodation for one young person aged 8–18 with up to three carers	One child	No material change from C3	Highly comparable 3-bedroom single-child model
7 Brocklehurst Avenue, Bury	C2 children's home for up to two children with carers and manager	Up to two children	No material change from C3	More intensive than Turks Road but certified lawful
109 Windsor Road, Prestwich — 72930	C2 residential care accommodation for two young people aged 8–18	Two young people	No material change from C3	More intensive than Turks Road but certified lawful

The local precedent position strongly supports the conclusion that the proposed use of 90 Turks Road would not amount to a material change of use.

7.0 Overall Conclusion

7.1 Conclusion

This Materiality Position Statement has assessed whether the proposed use of 90 Turks Road as a small family-style children's home for one child would result in a material change of use from the existing lawful use of the property as a dwellinghouse.

The assessment has considered:

- the character of occupation;
- the scale of occupation;
- staffing arrangements;
- vehicle movements;
- visitor activity;
- physical characteristics of the property;
- internal layout;
- planning unit;
- recent Bury Metropolitan Borough Council LDC decisions;
- relevant legal principles.

The evidence demonstrates that the proposal would continue to operate as a home and that the activities occurring within the property would remain fundamentally residential.

The proposal does not involve:

- external alterations;
- operational development;
- commercial activity;
- institutional activity;
- public-facing use;
- emergency placements;
- multiple children;
- multiple planning units;
- subdivision of the dwelling.

The child would reside at the property as their home and would undertake activities that are materially indistinguishable from those occurring within a family dwelling.

The presence of care staff does not alter the residential character of the occupation and does not give rise to a materially different planning use.

Recent Bury decisions provide strong local support for this conclusion. The Council has recently certified as lawful a one-child C2 children's home at 149 Wood Street, a one-child C2 residential care use with up to three carers at 109 Windsor Road, and more intensive two-child models at both 7 Brocklehurst Avenue and 109 Windsor Road. The proposed use at 90 Turks Road is directly comparable to, and in some respects less intensive than, those approved examples.

Having regard to all relevant considerations, it is concluded that the proposed use would not materially alter the character, appearance or operation of the property.

Accordingly, the proposal does not constitute development within the meaning of section 55 of the Town and Country Planning Act 1990 and planning permission is not required.

It is therefore respectfully submitted that the proposed use of 90 Turks Road, Radcliffe, M26 4QB as a small family-style children's home accommodating one child or young person only is lawful and that a Certificate of Lawfulness of Proposed Use should be issued pursuant to section 192 of the Town and Country Planning Act 1990.