

Planning Department
Bury Metropolitan Borough Council
3 Knowsley Place
Duke Street
Bury
BL9 0EJ

Dear Sir / Madam,

Application for a Certificate of Lawfulness of Proposed Use

25 Heathfield Road, BL9 8HB

Proposed use of existing dwellinghouse as a small family-style children's home for one child

Please accept this covering letter 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** in respect of **25 Heathfield Road, BL9 8HB**.

The application seeks formal confirmation that the proposed use of the existing dwellinghouse as a small, family-style children's home, falling within **Use Class C2**, would be lawful and would not amount to a material change of use from the existing lawful use as a **Class C3 dwellinghouse**.

The proposed description of development is:

Application for a Certificate of Lawfulness of Proposed Use for the use of the existing dwellinghouse as a small family-style children's home, falling within Use Class C2, providing residential care accommodation for one child or young person aged 7–18 years, with care provided by non-resident staff working on a rota basis.

The property is an existing **3-bedroom, 1-bathroom semi-detached dwellinghouse** situated within an established residential area.

The proposed use would be strictly limited to **one child or young person only**. The home would not accept emergency placements and would not operate as a hostel, house in multiple occupation, secure accommodation, short-stay crisis facility or public-facing service. The property would remain in use as a single domestic planning unit and would continue to appear as an ordinary family dwelling.

The applicant is the owner of the property. It is intended that an incoming external operator would be responsible for the day-to-day management of the home, staffing, care provision, safeguarding and Ofsted registration requirements. Prior to the home becoming operational, the incoming operator would prepare a full site-specific Management Plan, which would sit beneath and remain consistent with the submitted Operational Statement, Good Neighbour Policy, and wider application documents.

The application is supported by a comprehensive package of documents, including:

- Application form;
- Site location plan;
- Proposed floor plans;
- Existing Floor plans
- Planning Statement;

- Materiality Position Statement;
- Operational Statement;
- Good Neighbour Policy;
- Needs and Demand Statement;

The supporting information demonstrates that, whilst the proposed use would fall within **Use Class C2**, it would not result in a material change of use from the existing Class C3 dwellinghouse. The assessment is based on the scale, character and intensity of the proposed use, rather than the Use Class label alone.

The proposal would retain the principal characteristics of residential occupation. The child would live at the property as their home and would participate in ordinary domestic routines, including sleeping, eating, education, recreation, household activities, appointments and family contact where appropriate. Staff attendance would be wholly ancillary to the residential care and safeguarding of one child within a domestic setting. The property would not operate as a staff base, administrative office or public-facing service.

The submitted Operational Statement confirms that the use would remain within a tightly defined planning envelope, including:

- one child or young person only;
- planned placements only;
- no emergency placements;
- non-resident staff working on a rota basis;
- a maximum of three staff or carers present at the property at any one time, inclusive of management attendance and any temporary staff handover;
- no external alterations;
- no signage;
- no public-facing use;
- no subdivision of the dwelling;
- operation as a single domestic planning unit.

The application also draws attention to recent decisions by Bury Metropolitan Borough Council where Certificates of Lawfulness have been granted for comparable C3 to C2 children's home uses. These include decisions relating to one-child and two-child residential care models where the Council accepted that the proposed use would fall within Class C2 but would not amount to a material change of use from the existing C3 dwellinghouse use.

The proposed use at **25 Heathfield Road, BL9 8HB** is directly comparable to those recent local decisions and, in several respects, is less intensive because it is restricted to a single child and excludes emergency placements.

The applicant respectfully submits that the proposed use would not amount to a material change of use from the existing lawful C3 dwellinghouse use. It would therefore not constitute development within the meaning of section 55 of the Town and Country Planning Act 1990.

Accordingly, it is respectfully requested that Bury Metropolitan Borough Council issue a **Certificate of Lawfulness of Proposed Use** confirming that the proposed use of **25 Heathfield Road, BL9 8HB** as a small family-style children's home for one child is lawful.

Should any further clarification be required during the assessment of the application, please do not hesitate to contact me.

Yours faithfully,

Darren van der Merwe (Agent on behalf of the applicant)