

DELEGATED REPORT

Report by Charlotte Orrell	Date of report: 09/07/2026	Ref: 73319/LDCP
Registration: 24/06/2026	LDfC:	Expiry Date: 19/08/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: NONE
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Lawful development certificate for proposed use of the property as a dwellinghouse occupied by two adult residents, living together as a single household with the provision of care, falls within the Use Class C3(b).

Location: 56 Mile Lane, Bury, BL8 2JE

Description

Lawful development certificate for the proposed use of the property as a dwellinghouse occupied by two adult residents, living together as a single household with the provision of care, falls within the Use Class C3(b).

The dwelling is a link detached single storey bungalow located on the corner of Mile Lane and Greenhill Road. The site is bound to the front and northern side by hedging, and to the rear and southern side by timber fencing.

Relevant Planning History

None

Publicity

None

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - Not relevant

Development Plan and Policies

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have

due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Section 192 of the Town and Country Planning Act 1990 (as amended) allows an applicant to apply for a determination in law by the Local Planning Authority, that the matter applied for is not development requiring planning permission. In all such cases, the onus of proof is on the applicant and the factual information submitted in support of the application by the applicant forms the basis of the decision, in law, taken by the Local Planning Authority.

The existing premises is a single storey bungalow, with parking areas to the front and rear for 2-3 vehicles. The property as existing comprises 3no bedrooms, a kitchen, dining room and lounge with the Supporting Statement confirming that there will be no subdivision of the dwelling, no independent units of occupation, and no separation of living arrangements.

The property will be occupied by two adult residents as their sole and permanent home under a supported living arrangement.

For a C3(b) use, the residents must be living together "as a single household". This will depend on the facts.

In this case, the care staff would not be permanently resident but would be working on shift patterns and so they do not form part of the household. If care staff are not resident, consideration must be given to whether those who are resident and in receipt of care, themselves constitute a single household. Children are not capable of forming a household on their own but, in this case however the proposed residents would be adults. In

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determining whether the residents will live together as a single household, the Local Planning Authority (LPA) have looked at the facts set out in the supporting planning statement.

The supporting statement confirms that there will usually be one staff member on site, with the occasional overlap of two at limited times.

The shift pattern, and tenant patterns are as follows:

- 1 member of staff from 6:30am to 9am to assist with getting ready and breakfast
- Tenants are at day centre from 9:30 to 3pm Monday to Friday so no staff onsite all day
- Evenings from 3:30pm to 10pm 1 staff member
- At weekends 1 staff member on in the day
- 1 sleep in member of staff during the night

From further requested information, it was also stated that this is the permanent home for the supported adults, which they will rent directly from the applicant Places For People for as long as they wish to.

Based upon the information provided, the proposed residents would form a single household of not more than six residents where care is provided for residents and the proposed use would therefore fall within class C3(b).

The proposed change of use from dwellinghouse C3(a) to home for 3 adults C3(b) would be lawful as both the uses fall within this same use class and as such would not constitute a material change of use requiring planning permission.

Recommendation: LAWFUL

Conditions and Reasons:

- 1 The proposal, described in the First Schedule, is not deemed to constitute development within the meaning of Section 55 of the Town & Country Planning Act 1990 (as amended) and therefore would be lawful.

<u>Case Officer</u> CO 09.07.2026	<u>Date</u>	<u>Sign off Officer</u> DM 21/7/26	<u>Date</u>
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