



For assistance with completing this form contact:

The Planning Service
3 Knowsley Place, Duke Street, Bury BL9 0EJ

Phone: 0161 253 5432 **Email:** development.control@bury.gov.uk

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

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

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

Easting (x) Northing (y)

Description

Applicant Details

Name/Company

Title

Doctor

First name

Kalb-E-Abbas

Surname

Hussain

Company Name

Nest Care North West LTD

Address

Address line 1

2 Spender Avenue

Address line 2

Address line 3

Town/City

Manchester

County

Country

Postcode

M8 0SB

Are you an agent acting on behalf of the applicant?

☐ Yes

☒ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

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

If Yes, please give a full description of the scale and nature of the proposed use, including the processes to be carried out, any machinery to be installed and the hours the proposed use will be carried out

This application seeks a Lawful Development Certificate to confirm that the property can also be used as a children's care home (Class C2), in addition to its current use as a standard residential dwelling (Class C3).

The care use will be for up to three children under the age of 18 who require supported care in a four-bedroomed property. The proposal involves no physical or external alterations to the property.

Class C2 includes the personal care of children. Staffing will involve full-time carers working on shifts. There will always be at least one member of staff on site at all times, with three staff members present at any one time. One of the four bedrooms will be used as a staff bedroom and office.

This use is expected to create minimal additional activity, likely no more than what would typically occur in a family home. Therefore, the change of use could be considered not materially different, even though it falls under a different planning use class.

Please look at floor plans attached and also proposed statement of purpose.

If Yes, please fully describe the existing or the last known use, with the date when this use ceased

The property is currently in single residential use (Use Class C3 dwelling house), please see floor plans attached. It is a four-bedroom, two-storey terraced house, with the following features:

Two drawing rooms
Four W/Cs (toilets)
Two bathrooms
A kitchen
A cellar
2 Garages

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

Although it may be argued that the proposed change in operational use does not constitute a material change of use, and thus may not require formal planning permission under Section 55 of the Town and Country Planning Act 1990 (TCPA)—this application seeks a Lawful Development Certificate (LDC) to confirm the acceptability of the proposed use (C2).

This certificate is necessary in order to comply with OFSTED regulatory requirements. It will ultimately be for the Local Planning Authority (LPA) to determine whether the proposed use is lawful.

Assessment of Use and Impact

The proposed use, as described in the accompanying application, is for a children's care home under Use Class C2, accommodating up to three children under 18, with staff present on a shift basis (usually 1–2, maximum 3 at any one time).

From a land use planning perspective, the intensity and nature of the proposed use are considered broadly similar to a typical Use Class C3 residential household, which may consist of multiple family members, vehicles, deliveries, and daily activities. Two garages are located in the rear garden, with additional off-road parking available to both the front and rear of the property.

Given the minimal staff numbers and low-intensity use, the proposal is not expected to result in any significant increase in noise, traffic, or overall impact on the local area, and may not even amount to development in planning terms.

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

Plans and Supporting Material

As no internal or external changes, extensions, or alterations are proposed, this is purely a change of use application with no physical development involved.

Therefore, the submission includes only:

A scaled existing and proposed floor plan

A location plan

Layout plans

Proposed Statement of Purpose

These documents should be sufficient for the Local Planning Authorities (LPA) assessment and for consultation process.

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?

This application seeks a Lawful Development Certificate (LDC) under Section 192 of the Town and Country Planning Act 1990 (as amended) for the proposed use of a C3 dwellinghouse as a childrens care home for up to three children under 18, with staff support on a shift basis (usually 1-2 staff, up to 3).

No physical changes or building works are proposed.

Why the LDC Should Be Granted:

No Material Change of Use

The proposed use is very similar in character and intensity to that of a family home.

No more than three children will live at the property.

The number and role of staff on-site are comparable to adults living in a family home, maintaining a domestic setting.

Activity, traffic, and parking impact will be comparable to typical C3 use.

Under Section 55(1) of the TCPA 1990, a material change of use constitutes development. In this case, the proposed use is not materially different, so it may not constitute development at all.

Falls Within Use Class C2 – Care

The use falls under Use Class C2 of the Town and Country Planning (Use Classes) Order 1987, which includes:

“residential accommodation and care for people in need, including the personal care of children.”

Supported by Case Law

Courts have found that small care homes with limited staff (e.g. for children) are comparable to ordinary residential use:

North Devon DC v First Secretary of State [2003]

R (Crawley BC) v First Secretary of State [2004]

The proposed use:

Does not involve physical development

Does not materially change the character of the use

Falls within lawful planning parameters

The LDC should therefore be granted to confirm the use as lawful, in line with planning legislation and to meet OFSTED compliance requirements. Therefore the Lawful Development Certificate should state that the property is lawful dwelling for a C2 use LDC.

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

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

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

Abbas Hussain

Date

23/07/2025