PLANNING APPLICATION SUPPORTING STATEMENT

PLANNING STATEMENT

90 Turks Road
Radcliffe, M26 4QB

Two-child proposed-use Lawful Development Certificate
Section 192 · Town and Country Planning Act 1990



PURPOSE / Increase from one certified child to a maximum of two children

Prepared for the property owner • November 2026

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APPLICATION BASIS

The application concerns a fresh section 192 certificate for a two-child proposal. The earlier certificate (Bury ref. 73423) is a one-child certificate and is not assumed to authorise the increased occupancy.

Executive Summary

This Planning Statement accompanies an application under **section 192 of the Town and Country Planning Act 1990** for a Certificate of Lawfulness of Proposed Use at **90 Turks Road, Radcliffe, M26 4QB**. The application seeks confirmation that the proposed use as a small, family-style **Class C2 children's home accommodating a maximum of two children or young people**, supported by non-resident rota staff, would be lawful without the need for express planning permission.

The Council has previously granted a proposed-use Lawful Development Certificate at this address under **Bury application reference 73423**, relating to a **one-child children's-home model**. The present application is therefore presented transparently as a **further, separate certificate application** for an increased maximum occupancy of two children, rather than as a request to amend conditions on a planning permission. The previous certificate is important planning history; the precise terms of the new certificate must nevertheless be assessed on the facts of the proposed two-child operation.

The property is a conventional, approximately **91 sq m, three-bedroom semi-detached house**, with domestic living and kitchen/dining areas and **off-street parking for up to two cars**. No extensions, external alterations, signage, subdivision, change to access or other external operational development form part of this application. The proposal retains the dwelling as **one domestic planning unit**.

The proposed operation is limited to **a maximum of two children**, planned admissions only, **no emergency placements**, a normal care staffing level of **two non-resident staff** and an absolute operational maximum of **three staff/carers on site at any one time**, including any Registered Manager, senior manager or staff handover overlap. The maximum of three is inclusive, not additive. Staff handovers, professional visits and parking will be actively controlled. The owner will appoint an incoming external operator, which will be responsible for regulatory registration and a full site-specific Management Plan consistent with the submitted planning envelope.

The relevant legal issue is whether the precisely defined two-child use would result in a **material change in the character of use of the property**, assessed as a matter of fact and degree. A move within Class C2 from a one-child model to a two-child model does not automatically constitute development; equally, the previous one-child certificate does not automatically authorise two children. This statement evaluates the incremental effects on residential activity, staffing, vehicle movements, visitors, noise and the planning unit, and also considers the C3 baseline should the earlier certified C2 use not yet have been implemented.

Bury has certified comparable small-scale children's-home proposals as lawful, including **7 Brocklehurst Avenue (72901)** and **109 Windsor Road (72930)**, both involving up to two children, together with one-child examples at **109 Windsor Road (73056)** and **149 Wood Street (73157)**. Those decisions are informative, but none replaces the site-specific legal assessment required here.

On the balance of probability, and **subject to the precise operational limits stated in this application**, the proposed increase to a maximum of two children is considered not to amount to a material change of use. A certificate is accordingly requested under section 192.

1.0 Purpose of the Statement and Application Description

1.1 Purpose

This statement provides the factual and legal basis for a proposed-use LDC concerning a two-child residential care arrangement at 90 Turks Road. It describes the house, the earlier certified scheme, the proposed operating limits and the likely practical consequences, and addresses relevant local decisions and national guidance. It is not a planning merits application for permission to develop the site.

1.2 Proposed certificate wording

The applicant requests a certificate confirming the lawfulness of:

> **"Proposed use of the existing dwellinghouse at 90 Turks Road, Radcliffe, M26 4QB as a small, family-style children's home within Use Class C2, providing residential care and accommodation for a maximum of two children or young people aged 7–18 years as described in the original application material, supported by non-resident care staff on a rota basis; normally two care staff on site, with an absolute maximum of three staff/carers present at any one time inclusive of management attendance and staff handovers; planned placements only and no emergency placements; no external alterations, signage or subdivision; operating as one residential planning unit and in accordance with the operational parameters of the supporting Planning Statement and Operational Statement."**

This wording defines the use sought for certification; it is not a request for an unrestricted C2 use. Any certificate should be issued with a sufficiently precise description to avoid uncertainty about the extent of the certified activity.

1.3 Matters not applied for

No additional children beyond the maximum of two are proposed. No crisis or emergency placements, public-facing services, hostel/HMO use, secure provision or independent sub-units are proposed. This is not an application for external alterations, widened parking access, new hardstanding or any other operational development.

1.4 Evidence and decision-making approach

The application relies on the existing submitted site information, floor plans and parking information, the known earlier certificate, the new defined two-child operational parameters, and local comparable LDC decisions. An LDC requires a conclusion on facts and law on the balance of probability. The policy merits of children's homes may provide context but cannot replace the legal test for lawfulness.

2.0 Site Description, Existing Layout and Planning History

2.1 Site and surroundings

The application property is a **three-bedroom, two-bathroom semi-detached dwellinghouse of approximately 91 sq m**, set within an established residential street in Radcliffe. Its physical form, frontage and accommodation are those of a conventional family home. The property has **off-street parking for up to two vehicles**, and no alteration to the existing vehicular access is proposed.

The immediate environment accommodates normal household activity, including commuting, school and leisure trips, family and professional visitors, domestic servicing and deliveries. The proposal does not introduce a public destination or external institutional feature.

2.2 Internal accommodation

The existing submitted drawings illustrate a domestic ground floor containing a living room, kitchen/dining area, WC and circulation. At first-floor level the house has **Bedroom 1**, **Bedroom 2**, **Bedroom 3** and bathroom accommodation. Bedroom 1 benefits from an existing ensuite identified on the existing first-floor plan.

For the two-child operational model, the intended allocation is:

Room	Intended use under this application	Planning significance
Bedroom 1	Bedroom for Child 1; existing ensuite retained	Ordinary individual sleeping/private accommodation
Bedroom 3	Bedroom for Child 2	Second child's own private bedroom within the existing domestic layout
Bedroom 2	Ancillary staff quarters / office and storage	Staff administration and ancillary provision only; no third-child bedroom or independent business office
Living room and kitchen/dining room	Shared domestic living, meals, recreation and household routines	Continue to function as ordinary family-style communal rooms

The existing plan identifies Bedroom 3 as approximately **7 sq m** and Bedroom 2 as approximately **5 sq m**. The two-child arrangement entails **an intended change of room allocation, not a physical conversion or enlargement**. The incoming operator must verify the suitability of all bedrooms, staff facilities, fire arrangements and safeguarding provisions through its regulatory and building-safety processes before occupation. The certificate sought does not certify compliance with Ofsted, fire or building requirements.

2.3 Earlier proposed-use certificate – Bury reference 73423

A Lawful Development Certificate for a **one-child children's-home proposal** at this address was granted in 2026 under Bury reference **73423**, associated with the earlier Planning Portal submission **PP-15061675**. The earlier submitted application material consistently describes a maximum of one child, non-resident rota care staff, no emergency placements, and a staffing limit of up to three staff/carers inclusive of management.

The current application should not be treated as though the one-child certificate automatically permits two children. It seeks a **new legal determination** for the revised two-child use. A copy of the original decision notice and certified description should be included within the new submission pack so that the Council can confirm the precise earlier scope.

2.4 The legally relevant existing-use baseline

The applicant relies on the granted one-child LDC as significant evidence that the Council has accepted a tightly controlled, family-style care model at this particular property. However, a **section 192 certificate confirms lawfulness of a proposed use; it does not, by itself, prove that the use has commenced**. The correct existing-use baseline for the new section 192 application must therefore follow the actual lawful position on the application date.

If the earlier certified one-child C2 use has been **lawfully implemented**, the materiality inquiry principally concerns the effect of increasing the maximum occupation from one to two children within the same planning unit and staff cap. If it has **not been implemented**, the Council should examine the proposed two-child use against the existing lawful dwellinghouse baseline (understood to be C3), while taking appropriate account of the earlier certificate and other comparable decisions. Under either analysis, the full, precise two-child model is described in this statement so that its lawfulness can be determined without any assumed commencement of the former scheme.

3.0 The Proposed Two-Child Operating Model

3.1 Maximum occupancy and placement profile

The home would accommodate **no more than two children or young people at any time**, aged 7–18 years as identified in the original application material. Each child would have their own bedroom. Their needs and compatibility would be considered through a pre-admission matching process, with regard to the property, the other resident, safeguarding, education, healthcare and staffing requirements.

The home is intended for **planned, stable placements**, not emergency, crisis, short-stay, secure or high-turnover use. The addition of a second child would not create a second independent unit, a public service or a separate household within the property.

3.2 Binding operational parameters

Matter	Maximum/commitment applicable to proposed two-child use
Children/young people accommodated	**Maximum two at any time**
Care setting	Small, family-style Class C2 children's home
Placement arrangements	Planned admissions and assessed matching only; **no emergency placements**
Routine staff presence	Normally **two care staff** within the home
Absolute on-site staffing cap	**Three staff/carers in total at any one time**, including management and handover overlaps
Overnight cover	Ordinarily up to **two non-resident care staff** on a sleep-in/waking basis as required by the assessed care needs; included in the cap
Managers and professional visits	Planned, supervised, non-public-facing; managerial staff count within the three-staff cap
Parking	**Up to two existing off-street vehicle spaces**; managed to avoid avoidable street pressure
External works	None; no signage or external institutional features
Internal use	Bedroom 1 and Bedroom 3 for the two children; Bedroom 2 ancillary staff quarters/office/storage
Planning unit	One dwelling-like residential planning unit, no subdivision
Operator	Incoming external provider, to assume care, staffing, Ofsted and management obligations

The staffing limit in this table includes **all care staff, senior carers, Registered Managers and duty managers physically on site**, whether providing care, taking part in a handover or attending in a management role. It does not authorise three care staff plus additional management staff.

3.3 Staffing and handovers

The normal operation would involve two care staff supporting the children's day-to-day routines. A third staff member could attend during limited management periods or brief shift handovers; at no point would more than three staff/carers be on site concurrently. The home would not conduct general staff meetings, recruitment events or staff training courses at the property.

Handover arrangements would be **staggered** to prevent simultaneous arrival of two incoming staff while two outgoing staff remain. The incoming operator's rota and parking procedures will specify the sequence. The operational illustration below describes the planning envelope rather than a fixed contractual employment pattern:

Illustrative period	Care / management presence	Maximum staff on site
07:00–09:00	Two overnight staff supporting the morning routine	2
09:00–09:30	Staggered handover, with arrivals/departures sequenced	**3** briefly
09:30–17:00	Two care staff; manager/senior staff attendance only where required	**3** including manager
17:00–21:30	Two care staff supporting domestic evening routines	2
21:30–22:00	Staggered evening/overnight handover if required	**3** briefly
22:00–07:00	Up to two overnight care staff as assessed	2

This is an **EXAMPLE STAFF ROTA AT THE HIGHEST STAFFING RATIO**. The incoming operator will prepare the final rota and overnight staffing arrangements in its full site-specific Management Plan. Those arrangements must remain within the three-person on-site cap and provide suitable accommodation and supervision without converting either child's bedroom to staff use.

3.4 The incoming operator and full Management Plan

The **applicant is the property owner**, not a named care provider. A future **external operator**, once appointed and appropriately registered, will take responsibility for the day-to-day care and management of the home. The LDC is sought for the **defined proposed land use**, not for a specific operator or company.

Before the two-child use commences, the incoming operator will prepare and maintain a **full site-specific Management Plan** covering staffing, rotas and handovers, bedroom and overnight arrangements, admissions and placement matching, safeguarding, behaviour support, professional visitors, vehicle parking, community liaison, complaints, emergency response, property maintenance and regulatory compliance. The Management Plan must not expand the occupancy, staffing or other planning parameters stated in this application. Any future material change outside the certified scope may require a separate planning assessment.

3.5 Ordinary domestic daily activity

The children would live at the property as their home. Daily activity would include breakfast, meals, education or learning, recreation, homework, personal care, planned appointments, normal household tasks, leisure and rest. Their routines would be arranged with regard to their individual care plans, rather than generating scheduled public attendance or institutional operating hours.

3.6 Visitors and professionals

Visitors may include placing-authority social workers, healthcare and education professionals, reviewing officers, regulators, authorised family contacts and occasional maintenance contractors. Attendance would be **by arrangement wherever practicable**, coordinated to avoid unnecessary simultaneous visits and shift changes. Visits are ancillary to the residential care of the children; there is no public reception, walk-in service or commercial appointment business.

3.7 No emergency placements and management of residential amenity

The operator will not accept emergency placements. Both admissions would be assessed and planned, with relevant safeguarding and compatibility measures in place. Staff would manage household noise and outdoor activity in an ordinary residential manner, respond to neighbour concerns and maintain the existing domestic appearance of the house. Measures in the Good Neighbour Policy will be carried through to the two-child Management Plan.

4.0 Legislative Framework and the Lawfulness Question

4.1 Section 55 – what constitutes development

Under **section 55 of the Town and Country Planning Act 1990**, development includes a **material change in the use** of a building or land. The proposed two-child model requires no building operations. Accordingly, whether planning permission is required depends on whether the activity would represent a material change in the use of the planning unit. This is a question of **fact and degree**.

4.2 Section 192 – prospective lawfulness

Section 192 provides for a certificate confirming that a proposed use would be lawful if instituted at the application date. Government Planning Practice Guidance requires the proposal to be **described precisely**, rather than only by identifying a use class, and directs authorities to determine lawfulness on the **balance of probability**, not the planning merits. An issued certificate is evidence of the particular lawfulness described, not a general planning permission or a licence for an enlarged operation. [1]

4.3 Class C2 and Class C3

The previous residential baseline is understood to be **Class C3 dwellinghouse**. The use of a house for children in residential care supervised by **non-resident rota staff** is generally properly described as **Class C2** rather than a C3 single household. However, use-class description and the question of **material change of use** are distinct. Neither an initial C3-to-C2 description nor an increase in occupancy *within* C2 is, by itself, sufficient to establish that development has occurred.

This distinction is reflected in **North Devon District Council v First Secretary of State and Southern Child Care Ltd [2003] EWHC 157 (Admin)**. The judgment addressed a two-child home within a semi-detached three-bedroom dwelling and distinguished the C2/C3 classification question from the separate issue of whether the change in use was material. The latter was expressly recognised as dependent on the facts of the individual case. [11]

The relevant question is whether the resulting two-child operation would change the character of the property in planning terms. The presence of professional carers is relevant to this factual inquiry, but not dispositive by itself.

4.4 Scope of the earlier certificate

The prior one-child certificate supports the planning history but is not proposed to be varied through a planning-condition route. The new application seeks a fresh certificate for the proposed two-child use; the previous certificate should remain identified accurately and its wording should not be represented as granting a broader, unrestricted C2 use. Whether one-child C2 care has actually commenced is a factual matter separate from the grant of the section 192 certificate.

4.5 No general planning balance

For a lawful development certificate, considerations such as the desirability of additional residential care, general support for looked-after children, or public opposition cannot substitute for the legal assessment. National and local policy is referred to below only as background context, and not as a reason for granting a certificate regardless of materiality.

5.0 Assessment of Materiality: One Child to Two

5.1 Method

The following assessment compares the activities and planning consequences of the proposed two-child model with those of the earlier certified one-child model and, where relevant, the C3 dwellinghouse use. It considers **cumulative operational consequences**, not merely the number of residents in isolation.

5.2 Occupancy and residential function

The increase is **one additional resident child**, within an existing three-bedroom family house. The building would remain the principal home of the children, with private bedrooms and shared kitchen, dining and living areas. There would be no extra planning unit, separate cooking facilities, tenancy subdivision or public-facing activity. Two children living with a small care team remains within the broad scale of ordinary domestic life in a three-bedroom house.

The second child's needs, routines and personal circumstances may affect activity levels. For this reason, the operating envelope is controlled by planned placement matching, defined staffing limits, no emergency admissions and the continuation of normal domestic use. The absence of changes to physical appearance is relevant but not, on its own, determinative.

5.3 Staffing and intensity

The proposal **does not increase the maximum permitted operational staffing envelope above three staff/carers**, as stated in the earlier application material. The normal model is two care staff. Any management attendance and handover overlap counts toward the maximum, with staggered handovers preventing four-person overlap. The operator will not run a separate staffed office, administrative hub, training venue or shift assembly point from the property.

The proposed second child does not automatically mean two additional staff or an institutional level of activity. The assessment and matching process will ensure that a placement is not accepted if it requires a staffing model beyond the certified ceiling. Any future need for higher on-site staffing would fall outside this application and require separate consideration.

5.4 Vehicle movements and parking

The property has **two existing off-street parking spaces**. The core traffic generators are staff shift movements, school and healthcare travel, ordinary leisure trips, occasional professionals, domestic deliveries and planned family contact. These activities are residential in character, although they must be evaluated in aggregate.

At normal staffing level, up to two staff vehicles can be accommodated off street where staff drive. Where a third staff member or professional is to attend, the operator will coordinate attendance to avoid unnecessary overlap, encourage public transport or car-sharing where practicable and direct any additional vehicle to lawful, considerate parking. The proposal **does not rely on the existence of a third off-street space**. The operator will keep access and adjacent footways clear and respond promptly to any evidenced parking concern.

The addition of a second child may entail a second child's education, appointments or activities; however, shared household journeys can be coordinated where appropriate, and there would be no added customer, commercial or institutional traffic. This represents a modest additional residential demand rather than a different traffic-generating land use. The full Travel and Parking Plan will be updated to describe the two-child arrangements and the three-person handover maximum.

5.5 Visitor activity

The same types of professionals may attend whether one or two children live at the property. The number of necessary appointments can vary according to individual needs; it should not be assumed that all visits would remain unchanged. Nevertheless, the operator will pre-arrange non-urgent visits, stagger them around handovers and use remote meetings when compatible with care needs. This will keep the activity ancillary to a family-style home rather than a public service destination.

5.6 Noise and residential amenity

A second child may result in some additional ordinary domestic activity, but the dwelling would remain subject to the usual expectations of a residential home. Outdoor use would be domestic; there would be no large group events, organised activities for non-residents, institutional alarm systems or external business operations. The care team would implement routine supervision, individual risk assessments, an appropriate Good Neighbour Policy and a complaints process. The existence of two children must not be equated automatically with noise or safeguarding difficulties; the planning question concerns the likely practical use described.

5.7 Built environment and appearance

No extension, signage, external plant, external security infrastructure, change to access, separate entrance or subdivision is proposed. Bedroom allocations would be managed within the existing floor plan, and the property would continue to read as an ordinary dwelling. The appearance and single-planning-unit factors strongly indicate continuity of residential character.

5.8 Regulatory responsibilities and child safeguarding

Ofsted registration and compliance with the Children's Homes (England) Regulations 2015 are separate from planning lawfulness. The incoming operator must ensure that the proposed two-child accommodation and overnight staffing arrangement is appropriate, including suitability of Bedroom 3 and safe staff facilities. The certificate cannot replace Ofsted registration, fire-safety assessments, care planning or any other statutory requirement. [8]

5.9 Where the earlier C2 scheme is already implemented

If the certified one-child scheme has commenced lawfully, the incremental change is principally the addition of a second child **without any increase in the on-site staffing ceiling**, external works, independent accommodation, or new public-facing functions. The combined operational arrangements are considered to remain comparable in residential scale and character to the existing small C2 home and to be unlikely to amount to a material change of use.

5.10 Where the earlier C2 scheme has not commenced

If the dwelling remains in C3 use, the Council should consider the proposed two-child C2 home as a **whole** against that lawful use. The limited residential occupation, capped staff presence, conventional internal layout and domestic nature of activities are still advanced as evidence that a material change would not arise. The earlier certificate and Bury's two-child decisions offer relevant comparable reasoning but do not determine the issue automatically.

5.11 Comparative operational summary

Assessment matter	Earlier one-child proposal	Proposed two-child proposal	Materiality position
Children	One	**Maximum two**	One additional resident child; still domestic
Normal staff	Two care staff indicative	**Normally two**	No routine increase proposed
Peak staff	Up to three inclusive of manager/handovers	**Up to three inclusive of manager/handovers**	Same ceiling, actively managed
Overnight	Care staff under individual plan	Up to two care staff, subject to care plan and safe accommodation	No enlarged on-site staffing ceiling
Admissions	Planned; no emergencies	Planned; **no emergencies**	Stable rather than crisis-led activity
External appearance	Ordinary dwelling	Ordinary dwelling	No change
Parking	Up to two off-street spaces	Same two spaces	No new external works; managed overlap
Rooms	One child bedroom plus flexible room	Two child bedrooms, ancillary staff room	Domestic room allocation, no separate unit
Visitors	Planned professionals	Planned professionals for up to two children	Potential increase controlled by appointments
Planning unit	Single	Single	Unchanged

5.12 Overall judgment on materiality

Taken together, the proposed increase remains a **small, managed, family-style residential use**. The fact that a second child's presence may generate some additional domestic activity is acknowledged. The question is whether this would be **materially different in planning terms**, and the applicant's position is that it would not, given the fixed staffing ceiling, normal household activities, two existing parking spaces, managed professionals, no emergencies, no external alterations and the continued single planning unit.

6.0 Bury Decisions and Comparable Certificates

6.1 The significance and limits of comparisons

Comparable LDCs are particularly useful where the **same local planning authority** has previously assessed non-resident staff, two children, household character and vehicles. They establish that such models **can** be lawful, not that every two-child proposal must be certified. The scale, room layout, parking and staffing of 90 Turks Road remain the primary evidence.

6.2 90 Turks Road – original certificate (73423)

Bury's grant of a proposed-use certificate for the earlier **one-child** model is the most relevant planning-history starting point. It demonstrates that the authority has assessed the character of this specific property for a small care proposal. The current application identifies explicitly what has changed: **an additional child, but no increased maximum of three care staff and no external works**.

6.3 7 Brocklehurst Avenue, Bury – 72901

Bury granted a proposed-use LDC for a residential children's home for **up to two children** supported by non-resident carers and management operating on a rota. The reported model included up to two carers and a manager. It illustrates that the Council has assessed a **two-child** model as not involving a material change from a dwellinghouse on the particular facts of that case.

6.4 109 Windsor Road, Prestwich – 72930

Bury granted a proposed-use LDC for residential care accommodation for **two young people**, with care staff on a rota basis. This is a further example of Bury's consideration of two-child C2 occupation and its likely domestic planning consequences.

6.5 109 Windsor Road, Prestwich – 73056

A separate LDC at the same address related to **one young person** and **up to three carers working on a rota**. The Council's assessment referred to the comparative normality of occupation and associated comings and goings in a three-bedroom residential setting. Its reasoning is relevant to the proposed three-staff maximum at Turks Road.

6.6 149 Wood Street, Bury – 73157

Bury certified a small children's-home use for **one child aged 7–18**, with non-resident staff on a 24-hour rota. This provides a further local comparison for the status of rota-based care within a domestic dwelling, while the two-child cases above are more directly relevant to the proposed change in maximum occupancy.

6.7 Combined precedent position

Council reference	Address	Relevant certified arrangement	Application to Turks Road
73423	90 Turks Road, Radcliffe	Earlier single-child proposed-use LDC	Establishes site-specific planning history
72901	7 Brocklehurst Avenue, Bury	Up to two children; care/manager attendance	Direct two-child comparison
72930	109 Windsor Road, Prestwich	Two young people; rota-based carers	Direct two-child comparison

Council reference	Address	Relevant certified arrangement	Application to Turks Road
73056	109 Windsor Road, Prestwich	One young person; up to three carers	Supports capped staff-envelope analysis
73157	149 Wood Street, Bury	One child; non-resident staff on 24-hour rota	Supports domestic rota-based C2 model

Copies of the **decision notices and relevant officer reports** should be supplied as evidence in the new application pack where available. The table is a summary of reported decisions, not a representation that their detailed operating envelopes are identical.

7.0 National and Local Planning Context (Not Determinative of the LDC)

7.1 National Planning Policy Framework 2026

The **National Planning Policy Framework issued on 17 August 2026**, with accessible chapters published on 29 September 2026, replaces the previous December 2024 framework. It is therefore the correct national policy edition to reference for an application prepared in November 2026. [2]

Its **Policy HO1(2)(f)** identifies looked-after children and other specialist community-based accommodation among the groups for whom housing or accommodation needs should be assessed. Chapter 16, including **Policy HC1**, addresses healthy and inclusive communities and appropriate facilities. These provisions support the broader context for appropriately located children's accommodation. They **do not turn an otherwise material change of use into lawful development**. [3] [4]

7.2 Written Ministerial Statement – 23 May 2023

The Written Ministerial Statement **"Planning for accommodation for looked after children" (HCWS795, 23 May 2023)** highlights the importance of stable homes for vulnerable children. Significantly, it states that planning permission will not be necessary in all cases, including where a children's home remains within C3 or there is no material change of use to C2, and confirms that an LDC can determine the lawfulness of the particular proposed use. The statement supports careful use of the LDC mechanism, not automatic approval. [5]

7.3 Adopted Bury development plan

Bury's current development plan comprises the **Places for Everyone Joint Plan**, **Greater Manchester Joint Minerals Plan**, **Greater Manchester Joint Waste Plan**, and **saved Bury Unitary Development Plan policies**. Places for Everyone took effect in March 2024. Bury's **Publication Local Plan** consultation ended in September 2026, but it is **not yet adopted** as of this statement and does not replace the saved UDP. [6]

The Council's saved UDP provides contextual policies relevant to social-care facilities and residential compatibility, including **CF3 (Social Services)**, **CF3/1 (Residential Care Homes and Nursing Homes)**, **H3/H3/1 (residential compatibility)** and **EN7/2 (Noise Pollution)**. They are referenced only to identify the context in which residential care and neighbourhood amenity are addressed. The question of a section 192 certificate remains one of lawfulness, not whether the proposal merits permission under those policies. [7]

7.4 Parking guidance

Bury SPD11, Parking Standards in Bury, was adopted on **11 June 2025**. It provides useful contextual benchmarks for parking, although the proposal does not involve a new-build scheme or an application for permission. The site's two off-street spaces, fixed staff ceiling and managed visitors are the substantive facts for the materiality assessment. [9]

8.0 Conclusion and Request for a Certificate

The applicant seeks a **fresh certificate under section 192** for a clearly described residential use accommodating **no more than two children**, following Bury's previously certified **one-child** model at the same address.

The proposed change is limited in both extent and practical consequence. It involves one additional resident child but **no increase in the maximum of three on-site staff/carers**, no external alteration, no independent units, no change in access or parking provision, no emergency admissions and no public-facing or institutional service. Staff handovers and management attendances will remain controlled and non-resident. An incoming external operator will assume responsibility for care, staffing, safeguarding and a full site-specific Management Plan consistent with the certificate.

Whether assessed incrementally from an implemented one-child C2 use or against the C3 dwellinghouse baseline if the earlier proposed-use certificate has not been implemented, the applicant considers that the resulting two-child occupation would remain **residential in character and would not amount to a material change of use** within section 55 of the 1990 Act.

The relevant Bury decisions for two-child homes provide useful local comparators. The Council is respectfully requested to consider the precise site and operating facts, apply the balance-of-probability test and **issue a Certificate of Lawfulness of Proposed Use** in the terms set out in section 1.2 of this statement.

9.0 Documents to Accompany the Application

1. Completed application for Certificate of Lawfulness of Proposed Use (section 192) and appropriate fee.
2. Site location plan and existing site boundaries.
3. Existing and proposed floor plans for the two-child model, identifying Bedroom 1 and Bedroom 3 as the children's rooms, Bedroom 2 as staff quarters/office/storage, and the existing ensuite correctly and consistently.
4. **Original Bury LDC decision notice and certified description: 73423**, together with any evidence of implementation if relevant to the baseline.
5. Updated **Operational Statement and illustrative highest-ratio rota** consistent with a maximum of three staff/carers including management/handovers.
6. Updated **Materiality Position Statement**, **Good Neighbour Policy**, **Travel and Parking Plan**, and **Needs and Demand Statement**, all stating a maximum of two children.
7. Relevant Bury precedent decision notices/officer reports for references **72901, 72930, 73056 and 73157**, where available.

8. Owner declaration that the incoming external operator will produce a full site-specific Management Plan within the certified limits prior to operation.

References and Supporting Authorities

[1] Ministry of Housing, Communities and Local Government. *Lawful development certificates* (Planning Practice Guidance). https://www.gov.uk/guidance/lawful-development-certificates
[2] Ministry of Housing, Communities and Local Government. *National Planning Policy Framework* (17 August 2026; accessible version 29 September 2026). https://www.gov.uk/guidance/national-planning-policy-framework
[3] MHCLG. *NPPF 2026, Chapter 6: Delivering a sufficient supply of homes (HO1–13).* https://www.gov.uk/guidance/national-planning-policy-framework-chapter-6-delivering-a-sufficient-supply-of-homes-ho1-13
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