

Supporting Planning Statement

Application for a Lawful Development Certificate (Section 192, TCPA 1990 as amended)

56 Mile Lane, Bury, BL8 2JE

Introduction

This statement is submitted in support of an application by Places for People for a Certificate of Lawfulness under Section 192 of the Town and Country Planning Act 1990 (as amended) in respect of the proposed use of 56 Mile Lane, Bury.

The application seeks confirmation that the 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 Use Class C3(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and does not constitute development.

Background and Occupation Model

Places for People is a national registered housing provider delivering homes for a range of occupiers, including those with additional support needs.

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

Crucially:

- The residents will live together as a single, cohesive private household;
- The dwelling will operate as a shared home, not an institution or managed facility;
- The care provider will not hold a leasehold or tenancy interest in the property;
- The residents retain primary control over occupation, supported by staff as required.

The residents will function as a stable and mutually supportive household, with no subdivision of the dwelling, no independent units of occupation, and no separation of living arrangements.

This is consistent with established planning principles that the defining characteristic of Class C3(b) is the domestic nature of occupation, rather than the existence of support.

The Property

56 Mile Lane is a detached dwellinghouse located within an established residential area of Bury.

It provides typical domestic accommodation with shared living spaces, bedrooms, and private amenity areas. The property will remain in use as a single dwellinghouse with no physical subdivision or alteration to its planning unit.

Proposed Use

The property will accommodate two adult residents who will:

- Occupy the property as their long-term home;
- Share all primary living spaces;
- Live together as a single household unit, comparable to a family or equivalent domestic arrangement.

Household Characteristics

The residents will:

- Share meals and day-to-day routines;

- Share responsibility for household tasks such as cooking and cleaning;
- Use all facilities communally;
- Live as a cohesive and interdependent domestic unit.

There will be no segregation into separate groups or independent residential units.

Care and Support

Support will fall within the definition of the use classes order for Class C3(b);

‘Personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder’

And will be provided on a 24-hour basis, including:

- Typically, one staff member on site, with occasional overlap of two at limited times;
- Overnight support provided on a sleep-in basis, with minimal activity;
- Staff assisting with:
 - Daily routines
 - Maintaining the home
 - Wellbeing and independence
 - Attending appointments

Importantly:

- Support is delivered in an informal, domestic manner;
- There is no structured institutional regime;
- There are no staff-only facilities, offices or treatment rooms;
- Staff are not residents and have no independent right of occupation.

The role of staff is solely to support residents in living independently within their home.

Typical Day – Evidence of Domestic Living

The submitted case study demonstrates that the use of the property will reflect that of a typical household:

- Residents wake, prepare breakfast, and organise their day individually;
- Meals are prepared independently or collectively;
- Residents attend appointments or undertake daily activities;
- Household chores are completed on a shared basis;
- Evenings are spent relaxing and socialising;
- Overnight periods are quiet, with minimal staff involvement.

This evidences:

- A flexible, resident-led lifestyle;
- Absence of institutional routine;
- A pattern of use consistent with a single domestic household.

Planning Unit and Nature of Use

The planning unit remains a single dwellinghouse.

There is:

- No subdivision of the property;
- No separate planning unit created;
- No independent occupation by the care provider.

The primary and overriding use is residential, with care provision clearly ancillary and subordinate.

Planning Assessment

Statutory Context

Section 55(1) of the Town and Country Planning Act 1990 defines development as including a material change of use.

Section 55(2)(f) confirms that a change of use within the same Use Class does not constitute development.

Class C3(b) includes:

“Use of a dwellinghouse by not more than six residents living together as a single household where care is provided for residents.”

This proposal clearly aligns with that definition.

Legal Assessment and Case Law

1. Fact and Degree – Character of Use

- *Gravesham BC v SSETR* (1984) 47 P&CR 142
Established that whether a material change of use has occurred is a matter of fact and degree, including the character of the use.
- *Moore v Secretary of State for Communities and Local Government* [2012] EWCA Civ 1202
Confirms that the overall character of the use must be assessed in the round.

The proposed use remains low-intensity, residential, and domestic in nature.

2. Single Household Test

- *Hertsmere BC v SSCLG* [2012] EWHC 2853 (Admin)
Confirms that a single household is determined by how occupiers live together as a cohesive domestic unit.
- *North Devon DC v First Secretary of State* [2003] EWHC 1577 (Admin)
Establishes that residents receiving care can still form a single household where the use remains domestic in character.

The proposed living arrangements clearly meet this test.

3. Role of Care

- *Uratemp Ventures Ltd v Collins* [2001] UKHL 43
Emphasises that the defining characteristic of a dwelling is its occupation as a home, regardless of support arrangements.

Care provision here is clearly ancillary to residential occupation.

4. Distinction Between C3(b) and C2

- *R (Idlewild Properties Ltd) v Mendip DC* [2004] EWHC 589 (Admin)
Confirms that supported living arrangements can fall within C3 where they lack institutional characteristics.
- CLG Circular 03/2005
Identifies that the key distinction is whether the use is institutional in nature.

The proposal lacks any institutional characteristics and remains domestic in scale and operation.

Single Household

This submission clearly demonstrates that residents will live as a single, cohesive and mutually supportive household, sharing all facilities and living interdependently.

Provision of Care

Care is now clearly defined and evidenced, including 24-hour support and assistance with daily living, satisfying the requirements of Class C3(b).

Material Change of Use

Applying the “fact and degree” test:

- The character of the use remains residential;
- Activity levels are consistent with a typical dwellinghouse;
- No institutional characteristics arise.

Distinction from Class C2

The proposal does not fall within Class C2 because:

- The property is not operated as a care home or institution;
- Residents occupy the dwelling as their home;
- There is no institutional management or operational structure;
- No medical treatment or care will be carried out on the premises;
- The scale and nature of activity remain domestic.

Conclusion

The proposed use of 56 Mile Lane:

- Accommodates two residents within the Class C3(b) threshold;
- Clearly demonstrates a single household;
- Provides evidenced and defined care provision;
- Maintains a domestic, non-institutional character;
- Does not result in a material change of use.

On the balance of probability, the proposal falls squarely within Use Class C3(b) and is therefore lawful.

Accordingly, we respectfully suggest a Lawful Development Certificate should be granted.