



Statement to Support Lawful Development Application

14 Higher Lane, Whitefield, M45 7FY

08/06/2023

**'Lawful Development Certificate for the use of 14 Higher Lane,
Whitefield, M45 7FY under Use Class C2'**

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Introduction

I write to you on behalf of Pinnacle Care Provisions Ltd as they look to confirm the use of 14 Higer Lane, Whitefield, M45 7FY as a children's care home under use class C2 as being lawful and complies with planning requirements for purposes of their Ofsted registration.

The home will consist of 2 care workers providing 24hr care for up to 2 children between ages 8-16years old placed there by the local authority.

Operating as a Single Household

14 Higer Lane will accommodate a maximum of 2 children and 2 care workers at any one time. The type of care provided within the home would be mainly pastoral care and the structure and daily activities of the home would set out to mirror the daily routines and activities one could expect from a traditional family home structure.

The children are cared for around the clock and sleeping accommodation is provided within the home for the care staff on duty. The shift cycle lasts 24hrs and care staff changeover would take place at 8am or 6pm.

There is onsite parking for 1 vehicle to the rear of the property in addition to side street parking on Wilton St which is off the main road (Higer Lane). The proposed use would not pose any additional strain on parking availability in comparison to the properties existing use as use class C4. We would put forward the case that the shift structure of the support workers would be in line with the same movement patterns that would occur should a family of 2 children and 2 parents reside there resulting in an almost negligible material impact. This shift pattern has been set up as such to ensure the environment mimics as closely as possible the functioning pattern of a family home for the benefit of the children and their care.

There is expected to be a visit from a social worker once every 4-6weeks in the early stages of a child's placement but this is expected to reduce to once every 2months when the child has settled into the home, there is expected to be 1 visit every fortnight from other supporting professional but the frequency of visits in total is not any more than one could expect from a family home which has friends and family visiting.

Change of Use Under Permitted Development

In order to define the correct use class and requirements for planning permission I refer you to the definition of use class C2,

C2 Residential institutions - Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centers.

It has been disputed in the past as to the correct classification of properties such as this and whether the functioning of a household in the way proposed for 14 Higer Lane would constitute a classification of C3(b) or C2. In this circumstance I would refer you to

'North Devon District Council v First Secretary of State [2003]'

It is here Mr. Justice Collins clearly states carers who do not reside in the property but who

provide care, not necessarily through the same individual but as continuous 24hr care, cannot be regarded as, living together and as a result cannot be regarded as a single household as defined in class C3(b), so in this circumstance the proposed use must instead fall within use Class C2.

The rules of the traditional planning systems applying then becomes a matter of material change. As has been well established in the courts, planning permission is not required where no material change has taken place through the change of use of a property.

Pinnacle Care Provisions Ltd looks to put forward the case that the services and type of care they offer does not pose a material change of use from the definition under class C3(b). The structure of the household at 14 Higer Lane, although different from the traditional definition of a 'single household' as stated by Mr Justice Collins, would have the same impact, if not less, to the environment and local amenities as 6 members making up a single household as defined by use class C3(b) would. Although there is staff on a rota basis, care and safeguarding is a critical part of the services offered to these children and this is offered to them under the same structure as one could expect from a family home which involves a group of children living together under the care and supervision of adults and guardians. Furthermore, similar to that of a traditional household, spaces such as bathroom, kitchen and living space are shared and the daily routine of the children is set to mirror a family home environment.

Pinnacle Care Provisions Ltd

Mr Aslam (Director of PCP Ltd) already operates an Ofsted certified children's care home in Accrington. Following recent discussions the local authority has expressed their support in Pinnacle Care Provisions Ltd expanding their care provision's. Having carried out their due diligence they have identified 14 Higher Lane as an ideal setting for a children's care home. Mr Aslam has provided his SOP document as part of the supporting information to demonstrate the type of care PCP Ltd provide.

PCP Ltd is a specialist provider in care services for children and young people, with a team of highly qualified individuals who have worked extensively in the care sector.

PCP Ltd look to bring care and support services into areas which can benefit these children and provide long term safe and stable environments with access to opportunities and education conducive to their future success.

Conclusion

In conclusion it is maintained that a certificate defining lawful use be granted as the proposed use does not constitute a 'material change' and would not amount to a development as defined by 55(2)(f) of the Town and Country Planning Act. Whilst there may be identifiable differences, it would be very difficult to define those differences as being 'material changes' to what could be expected from the flexible characteristics and impacts of a lawful dwelling house.