MATERIALITY POSITION STATEMENT

25 Heathfield Road, BL9 8HB

Certificate of Lawfulness of Proposed Use

Proposed increase in the existing lawful C2 children's home from one child to a maximum of two children or young people

Contents

Executive Summary
1.0 Purpose and Scope
2.0 Existing Lawful Planning Baseline
3.0 Proposed Two-Child Operational Model
4.0 Legal and Materiality Framework
5.0 Comparison with the Existing Lawful Use
6.0 Detailed Assessment of Planning Consequences
7.0 Recent Bury Lawful Development Certificate Decisions
8.0 Overall Materiality Assessment
9.0 Conclusion

Appendix A - Existing and Proposed Use Comparison

Executive Summary

This Materiality Position Statement supports an application under section 192 of the Town and Country Planning Act 1990 for 25 Heathfield Road, Bury, BL9 8HB. The property already benefits from a lawful Use Class C2 children's home use. Bury Metropolitan Borough Council granted a Certificate of Lawfulness under application reference 73494 for a small children's home accommodating one child aged 7–18 years with care provided by non-resident staff working on a rota basis.

The current application does not seek to establish a new C2 use and does not ask the Council to reconsider the principle of a children's home at the property. It seeks confirmation that increasing the maximum number of resident children from one to two, within the same small family-style C2 use, would not amount to a further material change in the planning character or intensity of the established lawful use.

The proposed operational envelope remains deliberately restricted. There would be a maximum of two children or young people aged 7–18 years; placements would be planned and appropriately matched; emergency and crisis placements would not be accepted; the home would normally operate with two residential care staff; and no more than three non-resident staff or carers would be present at the property at any one time, inclusive of management attendance and temporary handover.

The physical and functional character of the property would remain domestic. Bedrooms 1 and 2 would provide the two children's bedrooms. Bedroom 3 would remain ancillary to the care function for staff sleep-in, records, storage and limited care-related administration and would not accommodate a third child. The ground floor would remain in ordinary domestic use, and the property would remain a single planning unit without a reception area, public-facing facility, institutional subdivision or commercial office use.

The assessment below therefore focuses on the practical consequences of the proposed increase: occupancy, staffing, handover, visitors, vehicle movements, internal arrangement, noise and residential character. It concludes that the addition of one resident child, within the fixed operational limits described, would not materially alter the character of the existing lawful C2 use.

This conclusion is reinforced by Bury's recent lawful development decisions. In particular, application 72901 at 7 Brocklehurst Avenue was granted for a residential children's home for up to two children with carers and a manager, and application 72930 at 109 Windsor Road was granted for residential care accommodation for two young people aged 8–18. Those decisions demonstrate that two-child residential care models can, on their facts, remain materially residential in character.

1.0 Purpose and Scope

1.1 Purpose of the Statement

The purpose of this Statement is to assess whether the proposed increase in maximum occupancy from one child to two children would result in a material change in the character or intensity of the existing lawful C2 children's home use at 25 Heathfield Road.

The application is intentionally narrow. The existing C2 use is already lawful. The assessment therefore does not proceed from a C3 dwellinghouse baseline and does not seek to re-establish the principle of residential children's care at the property.

1.2 Scope of Assessment

The assessment is one of fact and degree and considers whether the practical planning consequences of the proposed two-child model would become materially different from those of the existing lawful one-child C2 home. Particular regard is had to:

- the number and character of resident children;
- the staffing model and maximum staff presence;
- staff handover and management attendance;

- visitor and professional attendance;
- vehicle movements and parking arrangements;
- the internal accommodation arrangement;
- noise and general residential activity;
- the external appearance of the property;
- whether the property remains a single planning unit;
- the overall residential or institutional character of the use.

1.3 Proposed Use for Certification

The proposed use for which the Certificate is sought is:

> **Use of the existing lawful C2 children's home as a small family-style children's home providing planned residential care accommodation for a maximum of two children or young people aged 7–18 years, with no emergency placements and with no more than three non-resident staff or carers present at the property at any one time, inclusive of management attendance and temporary staff handover.**

2.0 Existing Lawful Planning Baseline

2.1 Existing Certificate of Lawfulness

Bury Metropolitan Borough Council granted a Certificate of Lawfulness under application reference 73494 in 2026 for the use of 25 Heathfield Road as a small children's home falling within Use Class C2, providing residential care accommodation for one child aged 7–18 years with care provided by non-resident staff working on a rota basis.

The existing lawful planning baseline is therefore an operational C2 children's home for one child. The current proposal is an increase in the scale of occupation within that established residential care use, rather than the introduction of a different use class or a fundamentally different activity.

2.2 Existing Character of the Use

The established children's home use is residential in purpose and operation. The child occupies the property as their home and participates in ordinary domestic routines including sleeping, meals, education, recreation, appointments, family contact where appropriate and household activities. Care staff attend to support that residential occupation.

The property retains the appearance and broad internal form of a domestic dwelling. It does not operate as a public-facing service, clinic, school, hostel, HMO, reception facility or general staff office.

2.3 Existing Planning Unit

The property functions as one planning unit. There is no subdivision into independent units, no separate commercial operation, no public reception and no separate entrance arrangement associated with the children's home use. That single-unit character would remain unchanged by the proposal.

3.0 Proposed Two-Child Operational Model

3.1 Occupancy

The only increase in resident occupancy sought through this application is from one child or young person to a maximum of two. Both residents would be aged 7–18 years and would occupy the property as their home. No third child would be accommodated.

3.2 Planned and Matched Placements

All placements would be planned, assessed and matched in advance. Emergency, crisis and short-notice placements would not be accepted. Where two children are resident, the operator would consider compatibility, safeguarding, education and health requirements, family contact, staffing requirements and the ability to operate within the certified planning limits before accepting or maintaining a placement.

A placement would not be accepted if it required a routinely more intensive staffing or operational model than the application allows.

3.3 Staffing

The home would normally operate with two non-resident residential care staff. The absolute maximum would be three staff or carers present at any one time, inclusive of all management attendance, senior staff attendance and temporary staff handover. The maximum does not permit three routine care staff plus an additional manager.

There would normally be one principal daily handover. Handover would take place internally and sequentially so that the maximum of three staff is not exceeded. No routine evening or overnight shift change is proposed.

3.4 Overnight Arrangements

Two care staff may remain present overnight where required by the children's assessed needs and regulatory arrangements. Bedroom 3 would provide ancillary staff sleep-in/operational space, with a waking-night arrangement used where required. The overnight model would not involve routine night-time handover, public access or repeated night-time vehicle movements.

3.5 Internal Accommodation

Bedrooms 1 and 2 would be used as the two children's bedrooms. Bedroom 3 would be retained as ancillary staff sleep-in, records, storage and limited care-related administration space and would not be used to accommodate a third child. The family bathroom and ground-floor living and kitchen/dining spaces would remain in shared domestic use.

3.6 Visitors and Management Attendance

Professional visits would normally be pre-arranged and would include only those connected with the children's care, education, health, regulation or placement. Family contact may occur where appropriate and planned. Visits would be coordinated to avoid unnecessary overlap, particularly with the principal staff handover. The property would not operate on a drop-in basis or as a meeting venue for unrelated organisational activity.

4.0 Legal and Materiality Framework

4.1 Section 192 of the Town and Country Planning Act 1990

Section 192 enables an applicant to seek a Certificate confirming that a proposed use would be lawful if instituted at the date of the application. The issue is a matter of fact and law rather than a conventional planning merits balance, and the applicant relies on the balance of probability.

4.2 Section 55 and Material Change of Use

Section 55 defines development to include the making of a material change in the use of buildings or other land. The present application involves no new building, external extension, subdivision or separate planning unit. The question is whether the proposed increase in the scale of the existing C2 children's home would alter its planning character to a material degree.

The fact that the existing and proposed uses both fall within Use Class C2 is relevant context. However, the applicant seeks a Certificate specifically to remove doubt and therefore addresses the practical consequences of the proposed increase on a fact-and-degree basis rather than relying solely on the use-class label.

4.3 Fact and Degree

Materiality is assessed by examining the practical character and consequences of the use. A numerical increase does not, by itself, establish a material change. The relevant issue is whether the additional resident would produce a qualitatively different pattern of occupation or a level of activity that changes the planning character of the property.

4.4 North Devon and Children's Home Cases

North Devon District Council v First Secretary of State and Southern Child Care Ltd remains an important authority in distinguishing the use-class classification of children's homes from the separate question of material planning change. The wider principle relevant here is that the planning consequences of a children's home must be assessed on the facts of the particular operation.

In this application, the Council already has an established lawful C2 baseline at the property. The materiality exercise is therefore more focused: whether one additional resident child within the same small, managed residential care model would change the character or intensity of the lawful use to a material degree.

5.0 Comparison with the Existing Lawful Use

Characteristic	Existing lawful one-child use	Proposed two-child use	Materiality observation
Use class	C2 children's home	C2 children's home	No change
Resident children	1 child	Maximum 2 children	Increase of one resident only
Age range	7–18 years	7–18 years	No change
Placement type	Planned residential care	Planned and matched residential care	No qualitative change
Emergency/crisis placements	Excluded	Excluded	No change
Routine care staff	Non-resident rota staff	Normally 2 non-resident care staff	Same care model
Maximum staff presence	Controlled non-resident staffing	Maximum 3 including management/handover	Tightly defined ceiling
Routine handover	Rota handover	One principal daily sequential handover	Controlled and predictable
Public-facing use	None	None	No change
Planning unit	Single unit	Single unit	No change
External institutional features	None	None	No change
Emergency placement traffic	None	None	No change

The comparison demonstrates that the proposed change is quantitative rather than qualitative. The fundamental use, management model, placement type, staffing character, planning unit and residential purpose remain the same.

6.0 Detailed Assessment of Planning Consequences

6.1 Character and Scale of Occupation

The addition of one resident child would increase the number of children living at the home from one to two, but it would not change the nature of the occupation. Both children would live at the property as their home and

would undertake ordinary domestic activities. The property would not become a group institution, hostel or transient placement facility.

A two-child household remains small in residential terms. The proposed maximum is fixed and no third child would be accommodated. This materially limits the potential for the character of the use to change through incremental intensification.

6.2 Staffing and Employment Character

The proposal does not introduce an open-ended staffing model. Routine care would normally be provided by two staff, with an absolute maximum of three staff or carers present at any one time including management attendance and temporary handover. This preserves a small household-scale pattern of occupation and avoids the characteristics of a substantial workplace or institutional facility.

The property would not be used for general staff meetings, recruitment, training or administration unrelated to the resident children. Care-related record keeping and administration would remain ancillary to the residential use.

6.3 Handover and Daily Activity

There would normally be one principal daily handover, undertaken internally and sequentially. No routine evening or overnight shift change is proposed. The one-handover model limits the frequency of staff-related arrivals and departures and maintains a predictable daily pattern.

6.4 Vehicle Movements and Parking

Vehicle movements would principally comprise the single daily staff handover, child-related journeys to education, health appointments and activities, occasional professional visits, planned family contact, ordinary deliveries and maintenance attendance. The proposal would not generate customer traffic, public access, commercial servicing or emergency-placement movements.

The property now has an on-site driveway/frontage parking opportunity in addition to lawful on-street parking. Staff and visitor movements would be coordinated to minimise unnecessary overlap, and staff and visitors would be required to park lawfully and considerately. The assessment does not rely on a claim that on-street parking is always available; it relies on management of demand and timing within a small operational model.

6.5 Professional Visitors

Two resident children may result in professional involvement relating to each child, but this does not automatically create a material change in character. Visits would be planned, individual to the children's care arrangements and coordinated to avoid unnecessary overlap. The home would not be used as a general multi-agency meeting venue or public service hub.

6.6 Noise and Residential Amenity

The normal activities of two children within a domestic home - meals, recreation, education, television, conversation, household tasks and use of outdoor space - remain residential activities. The Good Neighbour Policy establishes additional controls over staff arrivals, handover, vehicle conduct, outdoor activity, noise, waste and neighbour liaison.

There would be no emergency admissions, public events, organised group activities or commercial functions that would introduce a materially different noise or disturbance profile.

6.7 Internal Layout and Physical Character

The two-child model would be accommodated within the existing three-bedroom layout. The allocation of two bedrooms to the children and the third to ancillary staff/operational functions does not subdivide the property or create independent units. Ground-floor living spaces remain shared domestic accommodation.

The property would retain its domestic appearance. No signage, public reception, commercial frontage or institutional external feature forms part of the proposed use.

6.8 Planning Unit

The property would remain one planning unit occupied and managed as one children's home. There would be no separate tenancy, flat, independent supported-living unit or separate business element. This continuity strongly supports the conclusion that the proposed increase does not create a new planning use.

6.9 Overall Intensity

When the operational characteristics are considered cumulatively, the increase in occupancy does not produce a material intensification. One additional resident child is balanced by a fixed staffing ceiling, planned placements, one principal daily handover, managed visits, no emergency admissions and a maximum of two children. The use remains small, stable and residential in planning character.

7.0 Recent Bury Lawful Development Certificate Decisions

7.1 Existing Heathfield Road Certificate - Application 73494

The Council's previous Certificate at 25 Heathfield Road establishes the lawful C2 baseline for the site. It confirms the acceptability, in planning-law terms, of a small children's home at this property for one child with non-resident rota staff. The current application retains that use and proposes only a limited increase in resident occupancy.

7.2 7 Brocklehurst Avenue, Bury - Application 72901

Bury granted a Lawful Development Certificate in February 2026 for a residential children's home at 7 Brocklehurst Avenue for up to two children, with carers and managerial attendance operating on a rotational basis. This is a directly relevant local comparator because it demonstrates that a two-child children's home can remain materially residential in character within the Borough when its operational circumstances are appropriately controlled.

7.3 109 Windsor Road, Prestwich - Application 72930

Bury also granted a Lawful Development Certificate in March 2026 at 109 Windsor Road for residential care accommodation falling within Class C2 for two young people aged 8–18 years. Again, the Council concluded on the facts of that case that the two-child residential care model was lawful.

7.4 Relevance to Heathfield Road

Local precedent is not determinative because every lawful development application turns on its own facts. However, these decisions are highly material evidence of the Council's recent approach to comparable two-child residential care models. The Heathfield Road proposal is tightly constrained by planned placements, no emergency admissions, a three-person maximum staffing ceiling, one principal daily handover and continued operation as a single domestic planning unit.

Site / reference	Certified model	Relevance
25 Heathfield Road - 73494	1 child, C2, non-resident rota staff	Lawful baseline at the application property
7 Brocklehurst Avenue - 72901	Up to 2 children with carers/manager	Direct two-child Bury comparator
109 Windsor Road - 72930	2 young people aged 8–18 with rota carers	Direct two-child Bury comparator

8.0 Overall Materiality Assessment

The proposal must be considered as a whole. The relevant question is not whether any single indicator changes, because resident occupancy plainly increases by one child. The question is whether that increase, together with all consequential activity, changes the planning character of the existing lawful use to a material degree.

The evidence points against such a conclusion. The use remains a C2 children's home; the children live at the property as their home; the maximum occupancy remains very small; placements are planned; emergency admissions are excluded; routine staffing remains two with a maximum of three; one principal daily handover is proposed; professional attendance is managed; the property remains one planning unit; and there is no public-facing or institutional activity.

The proposal therefore represents a modest increase in capacity within the same established residential care use rather than the creation of a materially different planning use.

9.0 Conclusion

25 Heathfield Road already has an established lawful C2 use as a small children's home for one child. The new application seeks to increase the maximum resident occupancy by one child while retaining the same fundamental purpose, management structure and residential character.

Having regard to the scale of the increase, the two-child maximum, planned and matched placements, exclusion of emergency placements, fixed three-person staffing ceiling, one principal daily handover, managed visitor and vehicle activity, domestic internal arrangement, absence of institutional features and continued single planning unit, the proposal would not materially alter the character or intensity of the existing lawful C2 use.

The directly comparable Bury certificates at 7 Brocklehurst Avenue and 109 Windsor Road provide further local support for the conclusion that a two-child residential care model can remain materially residential in character.

It is therefore respectfully submitted, on the balance of probability, that the proposed increase from one child to a maximum of two children would not amount to a material change of use requiring planning permission and that a Certificate of Lawfulness of Proposed Use should be issued under section 192 of the Town and Country Planning Act 1990.

Appendix A - Existing and Proposed Use Comparison

Characteristic	Existing lawful model	Proposed model
Planning status	Lawful C2 children's home	Same lawful C2 children's home
Maximum resident children	1	2
Age range	7–18	7–18
Placement model	Residential care	Planned and matched residential care
Emergency placements	No	No
Routine care staffing	Non-resident rota staff	Normally 2 non-resident care staff
Maximum staff present	Controlled	3 including management/handover
Handover	Rota based	1 principal daily sequential handover
Overnight	Care staff as required	2 care staff where required; no routine night handover
Children's bedrooms	1	2

Characteristic	Existing lawful model	Proposed model
Third bedroom	Ancillary/staff use	Ancillary staff sleep-in/records/storage; no third child
Public access	None	None
General staff base	No	No
External institutional appearance	No	No
Planning unit	Single	Single
Parking/vehicles	Managed residential activity	Managed; on-site driveway plus lawful on-street parking as necessary