

2 September 2025

Supporting Statement

Proposed Lawful Development

(Residential Dwelling Class C3(a), to a Residential Institution Class C2)

9 Woodhill Vale, Bury

BL8 1AH



1.0

Introduction

9 Woodhill Vale is a detached three-bedroom residential property located within a residential area in the Tottington ward of Bury, Lancashire. It lies to the northeast of Bury town centre and forms part of the wider Bury metropolitan area. The surrounding character is suburban, comprising a mix of detached, semi-detached and terraced properties.

The application site does not lie within the Green Belt, is not listed, does not fall within a Conservation Area, and is not subject to an Article 4 direction.

This application seeks a Certificate of Lawful Use for the occupation of the property by no more than two children (up to the age of 18), supported by a maximum of four members of staff on site at any one time.

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2.0 Proposal

The proposal seeks to change the lawful use of the property from a dwellinghouse (Use Class C3(a)) to a residential children's home (Use Class C2 – provision of residential accommodation and care to people in need of care). No physical alterations to the building are proposed.

The home would provide accommodation for up to two children, supported on a rota basis by care staff who would provide day-to-day support, cooking, cleaning, and transportation.

The principle that such small-scale children's homes may not amount to a material change of use has been established through case law, including:

- North Devon District Council v FSS and Southern Childcare Ltd [2002] – which held that occupation by a small number of children with staff support may still retain the character of a family dwelling.
- North Devon DC v First Secretary of State [2004] – which confirmed that the key test is whether the change results in a materially different character of use when compared to occupation as a single dwelling.

3.0 Principle

The central issue is whether the proposal would result in a material change of use – that is, whether there would be a significant difference in the character of occupation compared with the lawful C3 use of the property as a family home.

4.0 Analysis- Residential Character and Amenity

Paragraph 130 of the National Planning Policy Framework (NPPF) advises that planning decisions should secure a high standard of amenity for existing and future users.

The proposed use retains a wholly residential character:

- The property remains in use as a dwellinghouse with bedrooms, living areas, kitchen and garden utilised in the same way as a family household.
- The number of child occupants (two) is fewer than could be expected in a typical three-bedroom family home.
- The presence of staff provides stability and care but does not introduce activity beyond what might reasonably be associated with a family with parents, older siblings, or lodgers.

In terms of comings and goings, the children would attend school, leisure and social activities in the same way as any other children in the community. Staff shift changes would be managed to avoid undue impact. The overall level of activity is comparable to, or lower than, that of a conventional family.

It is therefore considered that the proposals would not result in noise, disturbance or intensity of use that would unduly threaten the amenity of surrounding occupiers.

That the difference would not be suitably noticeable or material in a planning use sense.

Parking and Highways

Design and Access Statement: Conversion at Midgley Road, Mytholmroyd

As a three-bedroom dwelling, the property could already lawfully generate demand for multiple cars (e.g. parents and older children with their own vehicles). The proposed use would not materially increase this demand.

Should additional parking provision ever be required, works could be carried out under permitted development rights afforded to dwellinghouses (Class F, Part 1 of the GPDO 2015, as amended).

Accordingly, there are no highway safety or parking concerns.

Design and External Appearance

No external alterations are proposed beyond minor security enhancements. Such measures are not unusual in family homes and would not alter the domestic appearance of the property. The site would therefore continue to read as an ordinary dwelling within the street scene.

5.0

Conclusion

Having regard to the nature of the proposed use, the level of occupation, and the case law precedent, it is considered that the proposal would not result in a material change of use from a dwellinghouse.

The residential character of the property would be preserved, there would be no unacceptable impact on the amenity of neighbouring occupiers, and the intensity of use would be comparable to a conventional family household.

Accordingly, the change of use from Class C3(a) to Class C2 should be considered lawful.