

DELEGATED REPORT

Report by Tom Beirne	Date of report: 11/03/2026	Ref: 72792/LDCP
Registration: 29/01/2026	LDFC:	Expiry Date: 26/03/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area:	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: NREQ

Proposal: Lawful development certificate for proposed use of dwellinghouse (Use Class C3(a)) to provide a supported living accommodation (Use Class C3(b)) for up to 6 Adults

Location: 5 Rainsough Hill, Prestwich, Manchester, M25 9SU

Description

An application for a Lawful Development Certificate for the proposed use of an existing dwellinghouse for the provision of care of no more than six persons, living together as a single household. The applicant has applied for confirmation that this activity falls to be development within Class C3(b) - not more than six persons living together as a single household where housing related support provided for residents and as such would not be a material change of use and therefore lawful.

The residents would live as a single household supporting each other carrying out and engaging with everyday activities and normal domestic activities.

The residents, with temporary housing support, would occupy the dwelling as a single household .

There is no proposed change to the internal layout of the property.

The dwellinghouse is established C3 use.

Relevant Planning History

01792/E - Proposed erection of annex building - Enquiry completed 18/01/2016
45032 - Single storey extension on the northern elevation - Approve with Conditions
07/09/2005

Publicity

N/A

Statutory/Non-Statutory Consultations

Children's Commissioning Team - No comment.

Pre-start Conditions - N/A

Development Plan and Policies

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material

planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP and PfE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Policy Background - Use Class C3(b) applies to 'people living together as a single household and receiving care or support.' Supported living accommodation for up to six residents is recognised as falling within this use class, provided that:

- The accommodation functions primarily as a home.
- Regulated personal care is not delivered
- Residents live together as a single household The proposal complies with national and local planning policies regarding supported housing and residential amenity.

Assessment - The property is in residential use and there is no evidence of any change or abandonment of that use. The Council has no records or information contrary to this. There is no enforcement notice in effect on the site.

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On that basis, the use for which the applicant has applied for as lawful would be a Class C3(b) use - use for the provision for no more than six adults living together as a single household with housing support. As such, it would not be material change of use requiring planning permission.

With regard to the above the proposed use would be a Class C(b) use and as a matter of fact would not be a material change of use and therefore lawful.

Recommendation: LAWFUL

Conditions and Reasons:

The proposal, described in the First Schedule, is not deemed to constitute development within the meaning of Section 55 of the Town & Country Planning Act 1990 (as amended) and as such would be a lawful use.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
Tom Beirne	11/03/2026	DM	11.03.2026