

DELEGATED REPORT

Report by Helen Pressley	Date of report: 25/03/2026	Ref: 72867/LDCP
Registration: 17/02/2026	LDFC:	Expiry Date: 14/04/2026
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections: 11	Con Area:	Adv Type: N/A
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: NREQ

Proposal: Lawful development certificate for proposed change of use from dwellinghouse Class C3(a) to home for 3 adults Class C3(b)

Location: 19 Holbeach Close, Bury, BL8 1XA

Description

Lawful development certificate for proposed change of use from dwellinghouse Class C3(a) to home for 3 adults Class C3(b).

Relevant Planning History

None

Publicity

- Does not meet criteria for a C3(b) use.
- Continuous staffing, shift patterns and staff bedroom suggest C2 residential institution.
- Should be a full planning application not a Lawful Development Certificate.
- Article 4 for HMOs has been put in place. Request that the Council consider applying an Immediate Article 4 Direction in relation to 19 Holbeach Close as a matter of urgency, thereby removing the permitted development rights for this property.
- LDC avoids neighbour consultation.
- Found out via newspaper not applicant.
- Lack of information in relation to needs, risks, backgrounds of residents, management protocols, regulation, staff qualifications, rotas and shift changes, whether 2no. staff is adequate.
- Who will place the resident? Local Authority, NHS or Social Services.
- Concerns in relation to risks to local children and elderly residents.
- Fear of anti-social behaviour.
- Nearby children's home has, had police attendance.
- Continuous staffing (two staff on site at all times) suggests a managed care facility.
- Concerns in relation to parking and increased traffic during shift changes and visits from external professionals.
- Introduction of commercial element into residential street.
- Negative impact on property values.
- House was previously used as a cannabis farm - potential contamination, unsafe electrical alterations, remediation works undertaken not sufficient.
- Operator appears to be new and inexperienced.
- Company accounts show the operator is operating at a loss.
- Social care is being used as a profit-making enterprise.

Statutory/Non-Statutory Consultations

Not relevant

Pre-start Conditions - Not relevant

Development Plan and Policies

Issues and Analysis

There will be a maximum of three adults within the dwelling supported by two members of staff covering the 24 hour period. The adults would be expected to do house chores, and would have a routine as any other household. They would be supported by two staff at any given time during day and night. Each occupant would have an individual support plan.

For a C3(b) use, the residents must be living together "as a single household". This will depend on the facts.

In this case, the care staff would not be permanently resident but would be working on shift patterns and so they do not form part of the household. If care staff are not resident, consideration must be given to whether those who are resident and in receipt of care, themselves constitute a single household. Children are not capable of forming a household on their own but, in this case however the proposed residents would be adults. In determining whether the residents will live together as a single household, the Local Planning Authority (LPA) have looked at the facts set out in the covering letter.

The proposed residents would be three adults with learning difficulties, care leavers and individuals with mental health difficulties. Each of the proposed residents would contribute to the day to day running of the household by carrying out chores and cooking meals. The care staff would provide support and supervision and mainly assist residents in day to day tasks rather than undertaking such tasks on their behalf.

Based upon the information provided, the proposed residents would form a single household of not more than six residents as a single household where care is provided for residents and the proposed use would therefore fall within class C3(b).

The proposed change of use from dwellinghouse C3(a) to home for 3 adults C3(b) would be lawful as both the uses fall within this same use class and as such would not constitute a material change of use requiring planning permission.

Response to Representations

The assessment of the proposed use has been addressed within the main body of the report.

The Article 4 Direction for HMOs is not relevant to this site.

Residents were not notified of the proposals as the application is a lawful development certificate and so is determined by planning law, fact and any other relevant judicial authority not the comments of neighbours.

The occupants are likely to be unknown at this time. The Local Planning Authority (LPA) has to assess the lawfulness of the proposed land use. The planning acts are clear that the planning system should not replicate conditions or controls of other legislation, but should trust the regulatory bodies to act. In this case, the LPA must allow the appropriate bodies to monitor and manage the property in accordance with their rules and regulations.

It would be unreasonable to assume the adults occupying the property are a serious danger to the public or even criminally minded. Whilst the concerns about the occupants amongst residents are recognised to a point, the proposal has to be assessed on the information provided.

The overall aims of running dwelling of this nature is to operate on a relatively small basis and replicate the provisions of a regular domestic dwelling as much as possible with appropriate support. Whilst it is not inconceivable that issues may occur, they can similarly

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do so within "regular" dwellings. The regulation of operation including trained staff and measures to assimilate people and the property use into a local neighbourhood with regulatory bodies would seek to harmonise the use without creating or causing antisocial or unneighbourly problems.

The company or applicant running the property is not relevant when assessing the lawfulness of the application. The experience of the company is not a relevant consideration when determining the lawfulness of the proposal.

Recommendation: LAWFUL

Conditions and Reasons:

- 1 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 therefore would be lawful.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
HP	25/03/2026	DM	30/03/2026