



DESIGN, ACCESS AND MANAGEMENT STATEMENT

APPLICATION FOR LAWFUL DEVELOPMENT CERTIFICATE

NON-MATERIAL CHANGE OF USE FROM C3 DWELLING HOUSE TO C2 CHILDREN CARE HOME, FOR UP TO 2 CHILDREN OR YOUNG PEOPLE WITH A MAXIMUM OF 2 FULL TIME CARERS, [1 SLEEPING OVERNIGHT] AND LIVING TOGETHER AS A SINGLE HOUSEHOLD.

385 MANCHESTER ROAD, BURY, BL9 9QU



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1. INTRODUCTION

- 1.1. The following Planning, Design, Access and Management Statement accompanies an application for Lawful Development Certificate to use the existing house, which falls within Use Class C3(a) Dwelling houses as a residential children's home, which falls within the Use Class C2 but operating in a family environment akin to Use Class C3(a) and C3(b), with no material change in use of the dwelling.
- 1.2. The intention is to create a residential children's home to 2 cared-for children or young people, with a maximum of 2 full-time residential carers, 1 sleeping overnight and 1 on a waking night, and living as a single household, within the existing dwellinghouse.
- 1.3. The children will be placed with Bellbrooke Care Ltd under the care of their Local Authority, and they will ensure that the children will have an opportunity to live as a single household that will be fully registered and compliant with the necessary quality care standards set out by the Government in legislation and health and safety regulations.
- 1.4. The ethos at Bellbrooke Care Ltd is to provide the highest level of care to the children within the environment of a single 'typical' household by having structured plans that will give security to the children, the home and the local community.
- 1.5. This statement should be read in conjunction with the existing and proposed drawing scheme provided with the Application

2. THE SITE

- 2.1. The site is situated at 385 Manchester Road, Bury, along a well-established residential area. It is a semi-detached, four-storey dwelling and commands an external site area of 347.8m², edged red on the extract from the OS Plan below [not to scale].



- 2.2. Within the curtilage, the site has off-road parking at the rear of the property in the form of a hardstanding suitable for 3 cars.
- 2.3. A cycle storage has been proposed on the submitted plans
- 2.4. The site is within easy walking distance to open public spaces. The house will remain typically as a single-family residence in terms of size and number of occupant's, vehicle parking spaces and waste bins storage and collection.

3. MANAGEMENT PLAN

- 3.1. The children's home will be operated by a local company, who will provide employment to local people, helping to contribute to the local economy. They will also rely on the support of external agencies to monitor and ensure that the home is functioning in line with regulations, guidance and legislation in meeting the needs of the children, staff and that of the local community.
- 3.2. Bellbrooke Care Ltd are committed to transforming the lives of cared for children aged 7 – 18 who are facing the profound challenges of childhood trauma. Our principles are anchored on providing a compassionate and nurturing environment, with an unwavering dedication to make a difference to every young person we care for.
- 3.3. The home will be treated as a family household, and their staff will have the required qualifications and a wealth of experience to manage cared for children who have emotional and behavioural difficulties.
- 3.4. To occupy the children there will be structured after school groups and sports clubs for the children, that they will be encouraged to be involved in, should they wish to go out.
- 3.5. The home will provide in-house entertainment and education media in the form of the computers, gaming consoles, board games, books, magazine and newspapers etc for the children to use. Each child will sign a 'Behaviour and House Rules Contract', which reinforces expected standards of behaviour and boundaries with strict consequences should they not adhere to these. Within the home there will also be a dedicated Activities and Games room to keep the children entertained.

4. POLICY CONSIDERATIONS

4.1. Relevant Site Planning History

Application Ref 73402: Change of use from a dwelling (Use Class C3) to a children's home (Use Class C2) for up to 2 children: Withdrawn 01/10/2026

4.2. Use Class Order

The principle of the Typical Policy for Local Environment will state that the Council will protect and improve environmental quality and amenity by ensuring development is not located in areas where it could be adversely affected by neighbouring land uses and does not have an unacceptable impact on the environment.

Furthermore, a development should not cause significant harm to the amenity of the occupants, and future occupants of the development, and should not have a significant, adverse impact on the visual amenity of the surrounding area, including landscape and townscape.

We feel, the proposed Use is ideal and appropriate in this location and will not result in an adverse impact on the visual quality and amenity of the Local Environment. It will have a positive impact on the Local Environment by creating a much-needed resource for the cared-for children within our community.

The house will operate as a single household residence, as defined in the Town and Country Planning (Use Classes) order 1987 (England) (as amended), we feel, by how it will operate, it will fall within the same C3 Dwellinghouses Use Class, specifically Use Class C3 (b), but because of policy it will be deemed a C2 home.

There will be a maximum of 2 children, living with a maximum of 2 trained care workers with 1 sleeping overnight and 1 waking night, and living together as a single household. The carers will typically work 8-hour shifts and seamlessly transfer to ensure continuity and physical and emotional security for the children.

The applicant has extensive relevant knowledge and experience within the Children's social and cared for sector within the Greater Manchester area.

4.3. National Planning Policy Framework

The National Planning Policy Framework (NPPF) was revised in December 2024 and sets out the Government's planning policies for England and how they should be applied.

Paragraph 1 of the Framework states that:

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied¹. It provides a framework within which locally-prepared plans can provide for housing and other development in a sustainable manner. Preparing and maintaining up-to-date plans should be seen as a priority in meeting this objective.

Section 2, Paragraph 8 of the NPPF defines 'sustainable development' and states that:

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;

an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 135 states that:

Planning policies and decisions should ensure that developments:

- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.*
- *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks;*
- *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁵¹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that:

If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise

5. PROPOSED SCHEME – LAWFUL DEVELOPMENT STATEMENT OF CASE

5.1. Material Changes to the Building

There are no material changes to the external appearance of the building.

There are no residential amenity issues.

There is a minor change to ground floor window at the rear of property, but the change is immaterial and would fall under permitted development.

5.2. Material Changes to Use

In brief, it is our view that, there will be no material Change of Use from C3 to C2.

A material change of use is not defined in any statute or statutory instrument and is a question of fact and degree to the circumstances of the individual case. For there to be a material change of use, there needs to be some significant difference in the character of the activities from what has gone on previously. In our view, none exists as property would function much like any other residential dwellinghouse.

The proposal consists of using the property as a C2 care home for two children and up to two carers living within a family environment. All operations within the property will be akin to a C3 dwellinghouse including all comings and goings.

There are no material alterations to the building under this proposal, nor will there be any material change of use as the proposals consist of caring for two children by two adults living together within a family environment. This will be akin to a C3 (a) or C3 (b) dwellinghouse including all comings and goings.

The proposals will create a family environment as would any other family of two adults and two children living under the same house. The family environment will create a situation where four residents are living together as a single household where two of the residents are receiving care, similar to a C3(b) use.

The proposals will not create a conventional residential care home.

With regards movement of vehicles to and from the site, the property would act in a similar way to that of a residential dwelling under Class C3, whereby several vehicles could be used by the same household.

The proposed Use of the property as a C2 home would not result in a change of character due to the operation of the premises. There will be no increase in day-to-day activity to the extent that it would be considered material.

It is our view, based on the above, that there exists no significant difference in the character of the activities from what has gone on previously to the proposed use.

Appeal Decision Appeal Ref: APP/C1055/W/25/3358360 upheld that the comings and goings of staff would not be sufficiently different to that which could occur under its existing use

The Appeal Decision above further upheld that the property would function much like any other residential dwellinghouse, although a regular scheduled visit from professional social or medical care staff would be normal between the hours of 9am and 5pm.

In terms of local public service delivery, with specific regard to the Council's ability to deliver dwellings, the proposal would still offer a family setting with no material impact to the reduction in the number of dwellings available as housing stock.

6. ACCESS STATEMENT

There are three entrances to the property.

The main entrance at the front and side entrance provides a stepped access but a level access will be provided to the rear entrance should there be a need for wheelchair access/assisted access for any residents, staff or visitors.

This will be in line with Company's Management Access Plan [perhaps clear signage and an accessible bell and/or audio entry system], that ALL staff are to be made aware of, and should be adhered to.

385 Manchester Road is in Bury, in the Greater Manchester area close to Manchester City and other boroughs such as Radcliffe, Rochdale and Middleton.

It close to public transportation hubs, aided by its location on the busy A56, Manchester Road, providing access to Bury Town Centre and other areas. There's a bus stop directly outside of the property

The Bury Town Centre and Bury Market are only 5 mins by car.

The site is also very close the other facilities such as parks, hospitals and schools all within a 10-15min drive.

The property is also close to the motorway network with M66 being the closest motorway, providing connections to the M60 and M62 motorways.

7. CONCLUSION

Whilst planning merits do not form part of the consideration of an LDC with the onus of proof falling on the applicant, it is our view that the Certificate of Lawful Development for the proposed use sought, to establish the lawfulness of the use of the property as a children's home for a maximum of two child, with two carers sleeping overnight, one of them on a waking night), working on a rota basis (Planning Use Class C2), but living together in a family environment akin to a C3(a) or C3(b) Use, would not constitute a material change of use and thus should be deemed as lawful.

In this respect, it is our view that the Council should consider the application lawful.