


Report to be read in conjunction with the Decision Notice.								
Signed:	Officer:	MC	Date:	06/08/2025	Manager:	LH	Date:	8/8/25

Application Ref:	3/2025/0503			 Ribble Valley Borough Council www.ribblevalley.gov.uk
Date Inspected:	N/A	Site Notice:	N/A	
Officer:	MC			
DELEGATED ITEM FILE REPORT:				REFUSAL

Development Description:	Certificate of Lawfulness for proposed change of use of an existing residential dwelling (Use Class C3) to a single-occupancy children's residential home.
Site Address/Location:	15 Caton Close, Longridge, PR3 3RH

CONSULTATIONS:	Parish/Town Council
N/A	

CONSULTATIONS:	Highways/Water Authority/Other Bodies
N/A.	

CONSULTATIONS:	Additional Representations.
N/A	

RELEVANT LEGISLATION AND SITE PLANNING HISTORY:
<p>Town and Country Planning Act 1990</p> <p>The Town and Country Planning (Use Classes) Order 1987 (as amended)</p> <p>Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)</p>
<p>Relevant Planning History:</p> <p>No relevant planning history.</p>

ASSESSMENT OF PROPOSED DEVELOPMENT:
<p>Site Description and Surrounding Area:</p> <p>The application relates to two storey, semi-detached dwelling located within the settlement boundary of Longridge.</p>
<p>Proposed Development for which consent is sought:</p> <p>A certificate of lawfulness seeks to establish the use of the building as a children's home (C3(b) use).</p>

Observations/Consideration of Matters Raised/Conclusion:

The Town and Country Planning (Use Classes) Order 1987 (as amended) identifies a range of uses of buildings/land and allows the change of specific uses within individual classes.

It is important to establish whether there is a material change of use of the site from a single household to a single-occupancy children's residential home.

The application form states that the existing use of the building falls within use class C3 as residential dwelling and no material change of use would occur.

The main issue to consider when determining a Certificate of Lawfulness is whether the proposal would involve a material change of use from the existing C3 dwelling, taking into account relevant case law and legislation.

Firstly Section 55(1) of the Town and Country Planning Act 1990 defines the meanings of the term "development" and which includes the making of any material change in the use of any building. Section 55(2)(f) states that in the case of buildings which are used for a purpose of any class specified by the Secretary of State, the use of the building for any purpose within the same class shall not be taken for the purposes of the Town and Country Planning Act 1990 as amounting to development. Section 57(1) of The Act provides that planning permission is required for the carrying out of any development of land and Section 336(1) defines "land" as including a building. Section 192 of The Act (as amended) makes provision for an application to be made to the local planning authority to ascertain whether any proposed use of a building would be lawful, and which is the purpose of this application for a Certificate of Lawfulness for a proposed use.

Use Class C3 (Dwellinghouses, used as sole or main residences) of the Town and Country Planning (Use Classes) Order 1976 (as amended) is as follows:

Use as a dwellinghouse as a sole or main residence by—

(a) a single person or by people to be regarded as forming a single household;

(b) not more than six residents living together as a single household where care is provided for residents; or

(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

The application site comprises an existing residential unit for a single household with 3 no. bedrooms, a communal living area, bathroom and kitchen/dining facilities. As such, the building is considered to fall within the scope of Use Class C3.

Use Class C2 (Residential Institutions) of The Town and Country Planning (Use Classes) Order 1987 (as amended) is as follows:

Use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3. Dwellinghouses, used as sole or main residences).

Use as a hospital or nursing home.

Use as a residential school, college or training centre

Case law has established that if children living in a home have carers who work on a rota (shift basis) and the dwelling is not their permanent residence, then the use of the children's home cannot be considered to fall within Use Class C3b and it must be regarded as C2.

In the case of North Devon District Council v First Secretary of State, a company leased a house to be used for the residential care of 2 children. The children were cared for on a rota basis by non-residential staff. The company sought a lawful use certificate on the basis that the new use fell within class C3(b). Mr Justice Collins held that the children could not form a household, as they were not capable of looking after

themselves. He stated that living together as a household requires that a proper functioning household exists, and so the children and carers must reside in the premises. Therefore, the house was within class C2. The North Devon judgement also confirms that children and carers must reside in the premises and a children's home run on shift patterns could not be considered to fall within Class C3.

Given that the proposed use would be run on a shift pattern, with two members of staff on site at all times, working 48 hour shifts, the use would fall within Use Class C2 and the proposal would result in a change of use from Class C3 to C2.

Notwithstanding the above, in the case of North Devon District Council v First Secretary of State, it was also established that whilst a change of use had occurred, the change was not considered to amount to a material change of use and planning permission was not required. As such, it is necessary to consider whether a material change of use would occur as a result of the proposed scheme.

Appearance and layout

The supporting information identifies that there are no proposed alterations to the external structure or footprint of the building proposed as part of the change of use. As such, the proposed use would not result in an appearance that differs from other residential dwellings within the street in C3 use and would not impact on the character of the surrounding area. In addition, there are no changes to the layout proposed which would increase the maximum occupancy of the dwelling.

Occupancy, staffing model/rota and vehicular movements

The dwelling would be occupied by one looked after child between the age 11-18 with two members of staff on duty at all times. The staff members would work two shifts on and four shifts off (48 hour shifts with overnight stays). The supporting statement states that there would be no commercial operations or visiting professionals based at the property and that all meetings or statutory reviews would take place off-site wherever possible.

Notwithstanding this, Section 5 of the submitted Management Plan states that essential visitors only such as social workers or regulatory professionals would be welcomed and this would be in accordance with a structured visitor policy and by appointment only. The statement also advises that the visits would not be conducted during unsociable hours.

As such, this would result in 2 carers being on site for 48 hours at a time with at least 4 different carers residing in the property in any one week. Whilst the proposal would not result in comings and goings every day to the site in terms of staff changeover, it is still considered to result in a material difference from a C3a Dwelling as there would be a sense of familiarity with the same individuals coming and going whilst the proposed care results in different carers coming and going, throughout the week. This would be exacerbated with visits from other professionals. The proposed change of use to C2 for a children's home cannot be seen to constitute a single family therefore the proposal is a material change of use. In addition, the siting of the dwelling, at the end of a small cul-de-sac is considered to exacerbate the impact of the change of use and comings and goings of visitors given the close proximity to neighbouring properties.

With regards to vehicular movements, the supporting information indicates that the staff changeover would be between 08:00 – 08:30am in an attempt to minimise disruption to neighbours. As such, there would likely be a maximum number of 4 vehicles present at one time in the morning when staff are changing over. Given that there would likely be some overlap during staff changeover times to ensure that the child is not alone at any given point, it is likely that there would be 4 vehicles parked at the site at any one time on those days. The number of parking spaces has not been provided, however it would appear that there would be parking provision on the driveway for 2 – 3 no. vehicles so at least 1 no. vehicle would likely have to park within the street during changeover.

The supporting statement also states that vehicle movements would occur for school attendance where transport is required. The level of these movements with regards to school drop off and pick up times, shopping and recreational activities have not been provided within the supporting information.

In conclusion, the existing property has a lawful use as a residential dwelling within Class C3a of the Use Classes Order. It is considered that the nature of the proposed use would fall within Class C2 and would be materially different from the existing lawful use due to the nature of its occupation and care provision to be provided including visits to the property in a cul-de-sac location where impacts would be more pronounced.

The change of use to a residential children's home, would require an application for planning permission.

RECOMMENDATION:	That the Certificate of Lawfulness be refused for the following reason(s):
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01:	The proposed use as described in the application would not fall within Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended). The proposal by virtue of the nature of the use as a children's home involves a change of use from the existing lawful use which is Class C3 to Class C2. Having regard to the nature of occupation and care provision, visits to the property and the property's cul-de-sac location, the proposed development would amount to a material change of use requiring planning permission. Accordingly, a certificate of lawfulness is hereby refused having regard to Section 192 of the Town and Country Planning Act 1990 and an application for planning permission is required.
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