

Planning Statement:

Application for a Certificate of Lawfulness
for the Use of a Dwelling (Use Class C3a)
to a Children's Home (Use Class C3b)

36 Moor Field
Whalley
Clitheroe
BB7 9SA

October 2025



Document Review Schedule

Client:	Toto Group
Report Title:	Application for a Certificate of Lawfulness for the Use of a Dwelling (Use Class C3a) to a Children’s Home (Use Class C3b) at 36 Moor Field, Whalley, Clitheroe, BB7 9SA.
Version (Draft/Final):	Final

	Reviewee Name	Position	Date
Author:	Rachael Bridges	Planner	June 2025
Reviewed:	Alex Franklin	Associate Director	September 2025
Updated	Rachael Bridges	Planner	September 2025
Approved/Issued to Client:	Rachael Bridges	Planner	October 2025
Issued to LPA:	Rachael Bridges	Planner	October 2025

Disclaimer

This report is issued to the client for their sole use and for the intended purpose as stated in the agreement between the client and Hedley Planning Services Limited under which this work was completed, or else as set out within this report. This report may not be relied upon by any other party without the express written agreement of Hedley Planning Services. The use of this report by unauthorised third parties is at their own risk and Hedley Planning Services Limited accepts no duty of care to any such third party.

Hedley Planning Services has exercised due care in preparing this report. It has not, unless specifically stated, independently verified information provided by others. No other warranty, express or implied, is made in relation to the content of this report and Hedley Planning Services assumes no liability for any loss resulting from errors, omissions or misrepresentation made by others.

Any recommendation, opinion or finding stated in this report is based on circumstances and facts as they existed at the time that Hedley Planning Services performed the work. The content of this report has been provided in accordance with the provisions of the RTPI Code of Professional Conduct.

Contents

- 1.0 Introduction
- 2.0 Site Details and Planning History
- 3.0 Proposed Development
- 4.0 Legislation and Guidance
- 5.0 Statutory Development Plan
- 6.0 Key Matters and Planning Balance
- 7.0 Summary and Conclusion

1.0 Introduction

- 1.1 Hedley Planning Services (The 'Agent') are submitting a Certificate of Lawful Development of Proposed Use or Development (CLOPUD) on behalf of Toto Group (The 'Applicant') for the proposed use of a dwellinghouse (Use Class C3a) as a children's home (Use Class C3b) at No.36 Moor Field, Whalley, Clitheroe, BB7 9SA.
- 1.2 It is acknowledged that planning permission is not required to move within a Use Class (i.e. C3a to C3b), however this application for a certificate of lawful development has been submitted to confirm that the intended use is lawful. Under Section 192 of the Town and Country Planning Act 1990, a Certificate of Lawfulness of Proposed Use or Development can be submitted to ascertain whether any proposed use of buildings or other land is lawful.
- 1.3 Once granted by the Local Planning Authority, the Certificate means that the use shall be conclusively presumed unless there is a material change, thereby confirming and underpinning the lawful use and meaning that enforcement action cannot be taken.
- 1.4 The site falls within the boundary of Ribble Valley Borough Council, therefore the Development Plan comprises of policies contained within the Core Strategy 2008-2028 A Local Plan for Ribble Valley (adopted Version) which is a key document that holds weight with this application.
- 1.5 Ribble Valley Borough Council is a Local Authority within Lancashire County Council (LCC). The Lancashire Children and Young People's Plan 2024-2028 set out the city's vision for children and young people:
- "Our vision is for Lancashire to be the best place in the UK and the best place for children and young people to grow up in, to thrive from early years into adulthood."*
- 1.6 The home would be managed by Toto Group, who are a social enterprise, specialising in residential children's care within the Northwest of England. Toto Group shares a passion for providing specialist care, locally, bespoke to the needs of the authority and the child, with an emphasis on stable, loving, long-lasting placements. Toto Group were recently awarded the RISE Social Care Provider of the Year Award 2025 for their excellent work supporting vulnerable children.
- 1.7 The Ministerial Statement 2023 states that the planning system should not be a barrier to providing homes for the most vulnerable children in society, and local planning authorities should give due weight to, and be supportive of, applications for accommodation for looked after children that reflects local needs.
- 1.8 This Certificate of Lawful Proposed Development application comprises the following documents:

Document	Reference
Location Plan	NB25_18-01A location plan 1250-A4
Existing Ground Floor Plan and Existing Site Plan	NB25_18-02A ex plans 50-A1

Proposed Ground Floor Plan and Proposed Site Plan	NB25_18-03A pr plans 50-A1
Planning Statement	<i>(this document)</i>
Management Plan	Management Plan Elswick - Moorfield - Toto

2.0 Site Details and Planning History

- 2.1 The application site is situated on the residential street of Moor Field. The site is located within a cul-de-sac and is surrounded by dwellings to the rear, front and adjacent to the east and west.



Figure 1: NB25_18-01A location plan 1250-A4

- 2.2 The site is set within the village of Whalley. The A59 runs southwesterly through the centre of the village and the A671 runs southeasterly past the village before connecting to the A680, which if followed southwards connects to the M65.
- 2.3 The village of Whalley has amenities which consist of restaurants, a library, and a park and is also home to Whalley Abbey and its grounds.
- 2.4 Ribble Valley's Local Plan states that Whalley, along with Clitheroe and Longridge are regarded as some of the larger Service Centres of the borough and that physical, social, environmental and economic regeneration in these areas will be supported together with existing retail business whilst also ensuring a high-quality retail offer within their areas.
- 2.5 The existing property is a 2-bed detached bungalow, consisting of 2 bedrooms, a lounge and a kitchen. In addition, the property has a garage and a sizeable garden, and the property is also accessible to wheelchairs. The existing use of the property is residential (Use Class C3(a)).

- 2.6 There are several heritage assets within the village of Whalley, however the nearest heritage asset to the application site is the Whalley Viaduct which is located approximately c.700m away.
- 2.7 The Flood Map for planning outlined that the property falls within Flood Zone 1, which is the least sensitive zone. However, approximately c.61m east from the site is an area which is within Flood Zone 2 and 3.
- 2.8 The application site is not within an adopted designation and allocation within the Housing and Economic Development DPD Proposals Map and is not located within a settlement boundary.
- 2.9 The village of Whalley has a train station which is located on the Ribble Valley Line which follows a scenic route through the Lancashire countryside. The Ribble Valley line runs from Manchester Victoria northwards through Blackburn within Lancashire and stops at Whalley station before reaching Hellifield in North Yorkshire as the last stop. The station is located approximately a 2-minute car journey or a 10-minute walk from the application site. The number 5 bus route runs past the application site and runs from Chipping to Clitheroe.
- 2.10 The site has no relevant planning history.
- 2.11 The following application is also considered highly relevant to the assessment and determination of this CLOPUD. It demonstrates that the Local Planning Authority (Chorley Council) have recently accepted applications which seek to change from Use Class C3a to C3b via a Certificate of Lawfulness.

23/00729/CLPUD / Application for a certificate of lawfulness for the use of a (Use Class C3a) dwelling house as a children's home for a maximum of two children (up to 18 years in age), with additional needs, with care provided by up to four carers on site, working on a rota basis (Use Class C3b) / 97 Lakeland Gardens Chorley PR7 2LS / Approved October 2023

3.0 Proposed Development

- 3.1 This CLOPUD proposal seeks to lawfully confirm that amending the current Use Class C3(a) 'Dwellinghouses' to the Use Class C3(b) of The Town and Country Planning Use Class Order 1987 (as amended) (The Order), does not constitute 'development' and would have no material change on the premises as the character and operational use will remain within the Use Class of C3 'Dwellinghouses'. Whilst Planning Permission is not required, this CLOPUD has been submitted to legally confirm the intended use.
- 3.2 The application site would be managed by Toto Group, a family-founded social enterprise with a goal to transform residential children's care. Toto provide residential care and health services for children aged 8 up to the age of 18, with homes being located within safe, suburban Northwest England communities. The homes also benefit from large gardens and ample parking.
- 3.3 The property would be the primary residence of a maximum of one child. The child will be cared for and supervised at all times by a team of qualified and competent staff who will work in the property on a shift/Rota basis. The submitted Management Plan (*Management Plan Elswick - Moorfield – Toto*) states that there will be a maximum of 2no. members of staff present during the day which will work a 7:30am-10pm shift and at 10pm one of these members of staff will finish their shift at the property and the remaining member of staff will carry out a 'sleep-in' shift. Another member of staff will arrive at the property at 9pm who will carry out their 'waking night' shift from 9pm-9am, meaning that there is a maximum of 2no. members of staff present at the property overnight. One of the bedrooms within the property will be a staff bedroom.
- 3.4 Furthermore, there will be management staff that visit the property during typical office hours to ensure that the home is running efficiently and integrated into the community. There are parking spaces for a maximum of 3no. cars and the staffing provision will run in alignment alongside the existing parking provision at the property.
- 3.5 There are no external or internal changes proposed at the property.

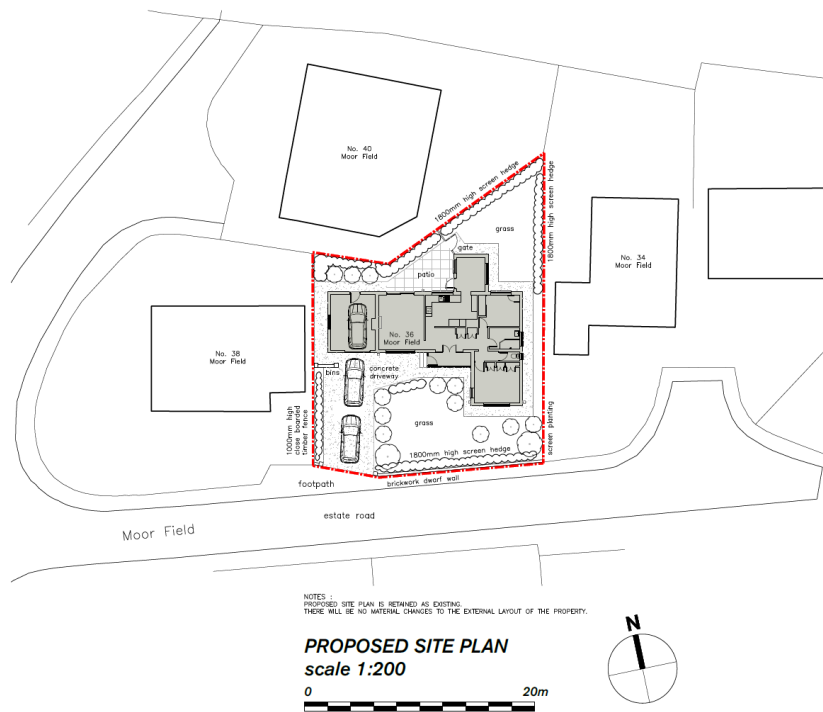


Figure 2: NB25_18-03A pr plans 50-A1

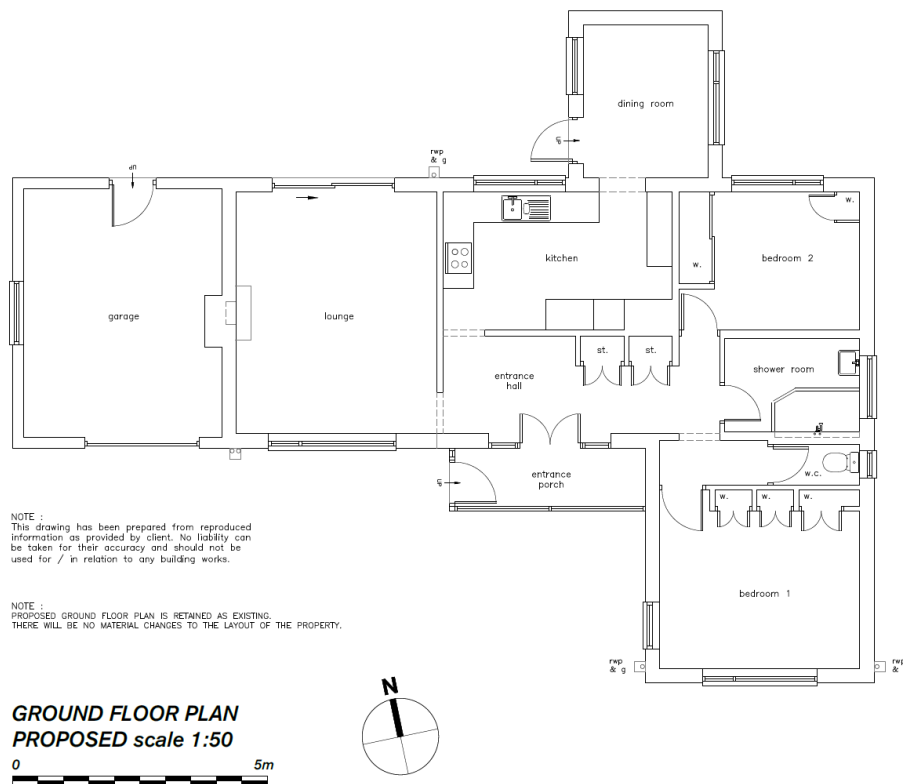


Figure 3: NB25_18-03A pr plans 50-

4.0 Legislation and Guidance

- 4.1 The framework for determining the application is set out under Section 192 of the Town and Country Planning Act 1990 (the “Act”), the Development Plan and National Planning Practice Guidance (NPPG).

[Town and Country Planning \(Use Classes\) Order 1987](#)

- 4.2 Schedule 1 PART C of the Town and Country Planning (Use Classes order) states the use designation classes of a C3 Dwellinghouses:

Use as a dwellinghouse (whether or not 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).

[our emphasis]

[Town and Country Planning Act 1990](#)

- 4.3 Section 55 (2f) of the Town and Country Planning Act sets out the definition of development, where the following operations or uses of land **do not** constitute or involve development of the land:

*“(f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, **for any other purpose of the same class**”*

[our emphasis]

- 4.4 Section 192 (1) of the Town and Country Planning Act 1990 states:

“If any person wishes to ascertain whether –

a) Any proposed use of buildings or other land; or

b) Any operations proposed to be carried out in, on, over or under land,

would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.”

- 4.5 Sub-section (2) continues:

“If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a Certificate to the effect.”

4.6 Sub-section (3) sets out the requirements for a Certificate of Lawful Proposed Use or Development (CLOPUD):

“A certificate under this section shall—

- a) specify the land to which it relates;*
- b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);*
- c) give the reasons for determining the use or operations to be lawful; and*
- d) specify the date of the application for the certificate.”*

4.7 Sub-section (4) adds:

“The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.”

[National Planning Policy Guidance](#)

4.8 The National Planning Practice Guidance (NPPG) adds that where an application has been made under Section 192 of the Town and Country Planning Act 1990, any proposed use or development concerned with a certificate granted must be presumed as lawful, unless there is a material change. The NPPG also states that lawful development is development against which no enforcement action may be taken.

5.0 Statutory Development Plan

5.1 Section 38(6) of the Planning Compulsory and Purchase Act (2004) remains:

“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.”

5.2 This legal requirement is set out in Paragraph 47 of the NPPF, where planning law requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.

5.3 The site falls within the boundary for Ribble Valley Borough Council, therefore the Development Plan comprises of policies within the Core Strategy 2008-2028 A Local Plan for Ribble Valley (adopted version) and supporting documents.

[Core Strategy 2008-2028 A Local Plan for Ribble Valley \(adopted version\)](#)

5.4 The following Ribble Valley Local Plan policies are considered relevant to this proposal:

- Policy DS2: Sustainable Development
- Policy DMG1: General Considerations

[Other Material Considerations](#)

5.5 The following documents are relevant to the determination of this application:

- Children Act (1989)
- Children Act (2004)
- Ministerial Statement (2023)
- Lancashire CLA Sufficiency Strategy 2021 – 2024

6.0 Key Matters and Planning Balance

- 6.1 This section assesses the proposal in line with the relevant planning policy and material considerations, where the benefits of the proposal are weighed against any potential adverse impacts.
- 6.2 The following matters are considered relevant in the determination of this CLOPUD:
- Principle of Proposed Use
 - Highways
 - Residential Amenity

Principle of Proposed Use

- 6.3 Section 55 (2f) of the Town and Country Planning Act 1990 states that a change of use within the same Use Class does not constitute as development. The Applicant is seeking to utilise the property under C3(b) Use, whilst Planning Permission is not required in this instance, this CLOPUD has been submitted so the lawful intended use is confirmed.
- 6.4 A Certificate of Lawful Development application was recently approved by Chorley Council under application reference *23/00729/CLPUD* which was for a certificate of lawfulness for the use of a (Use Class C3(a)) dwelling house as a children's home for a maximum of two children (up to 18 years in age), with additional needs, with care provided by up to four carers on site, working on a rota basis (Use Class C3b). It was considered that there is no material change from Use Class C3(a) to Use Class C3(b).
- 6.5 The dwelling currently operates as a C3(a) dwellinghouse and the intended operation of one single child to receive care aligns with the C3(b) definition.
- 6.6 The CLOPUD seeks to lawfully confirm that amending the current Use Class C3(a) 'Dwellinghouses' to the Use Class C3(b) of The Town and Country Planning Use Class Order 1987 (as amended) (The Order), would have no material change on the premises as the character and operational use will remain within the Use Class of C3 'Dwellinghouses', therefore, the proposed use of the dwelling as a home for children in care is lawful.

Highways

- 6.7 Policy DMG1 (General Considerations) within the 'Access' section states that proposed development must consider the potential traffic and car parking implications, ensure safe access can be provided which is suitable to accommodate the scale and type of traffic likely to be generated and to consider the protection and enhancement of public rights of way and access.
- 6.8 It is considered that with the existing three parking spaces (one in the garage and two on the drive) the parking standards at the application site are acceptable and fall in line with policy DMG1 in terms of accessibility.

- 6.9 Similarly to the existing use as a dwellinghouse, the proposed use as a Children’s Home will have no adverse impact on the highway network.

Residential Amenity

- 6.10 Policy DMG1 (General Considerations) within the ‘Amenity’ section states that development must not adversely affect the amenities of the surrounding area, provide adequate day lighting and privacy distances, have regard to public safety and secured by design principles and consider air quality and mitigate adverse impacts where possible.
- 6.11 Visual amenity will not be impacted as no external changes to the property are proposed, therefore the development is in line with policy DMG1 in terms of amenity.
- 6.12 Toto Group will operate a good neighbour policy to ensure that the operation of the home does not negatively impact the surrounding neighbouring properties or the local community. In addition, due to the long shifts which operate from 07:30am to 22:00pm for day staff and 21:00pm – 09:00am for waking night staff, this will ensure that there is not a huge changeover of staff in relation to comings and goings to the property.
- 6.13 Therefore overall, it is not considered that there will not be a significant adverse impact in terms of residential amenity upon surrounding neighbouring properties.

7.0 Conclusion

7.1 Having assessed the planning policy context and material considerations, the following planning issues are considered to be relevant to this Certificate of Lawful Proposed Use or Development (CLOPUD):

- Principle of Proposed Use
- Residential Amenity
- Highways

Conclusion

7.2 Hedley Planning Services are submitting a Certificate of Lawful Development application for the proposed use of a (Use Class C3a) dwelling house to (Use Class C3b) on behalf of Toto Group at 36 Moor Field, Whalley, Clitheroe, BB7 9SA.

7.3 It is acknowledged that planning permission is not required to move within a use class, however this application for a certificate of lawful development is to confirm that the proposed use is lawful. As per Section 192 of the Town and Country Planning Act 1990, the lawfulness of a proposed use or development shall be conclusively presumed following a certificate granted, unless there is a material change before the use is instituted or the operations are begun.

7.4 Overall, it is considered that there is no material difference in the way this property will operate from its previous use. There will be no external alterations carried out to the property and the character of use will remain the same and there will be no greater level of disturbance or amenity impact.