

**Planning Statement Section 55(2)(f) Town and Country Planning Act**

**Location: 11 REPTON AVENUE, HAYES, MIDDLESEX UB3 4AF**

**Proposal: Lawful Use Certificate C3 to C3(b) Small Residential care home**

**For Single child placement**

**Client: SIYAN CARE LIMITED**



Google Maps



## Executive Summary

This application is for a Lawful Development Certificate for the proposed use 11 Repton Avenue, Hayes UB3 4AF by **Siyan Care Ltd** to use the property as a small specialist care home for a single child placement (with learning and behavioural difficulties- see Business Plan for detailed explanation) with residential staff. The children are aged between 10-17 years.

The existing use of the property is a C3 two storey dwellinghouse.

The child will undergo a stringent impact risk assessment to ensure they integrate within the local community. This assessment considers the home, the environment, the community, plus peer groups and assesses against each child as an individual prior to admission into the home. It enables us to ensure a safe and suitable match, reducing the risk of potential conflicts and ensuring the children's well-being is maintained. The child will live at the property long term, hopefully for many years until they are 17. This is not a halfway house or emergency housing for children.

S.55 2 (f) of the Town and Country Planning Act 1990 development confirms that changes of use within each Use Class do not constitute development and therefore would not need planning permission.

The application is put forward on the basis that there would be no change of use of the property as the proposed use falls with Use Class C3 (b).



Siyan Care Ltd are in the process of applying for Ofsted registration and will employ staff that are trained to support children with learning and associated behaviours and needs. Admission to the home will not be primarily for learning disability but for emotional and behavioural difficulties with associated learning disabilities.

### **About the Co-Founders**

Jaspal Singh Sohal, Sharon Sohal, Harpinder Singh Dhillon, and Amandeep Kaur Dhillon are directors of Siyan Care Limited.

#### **1. Mrs Sharon Sohal**

An experienced and dedicated care professional with over thirteen years of service within the social care sector, specialising in the support and management of children and young people with complex and challenging needs. Throughout her career, Sharon has worked across a range of care settings, gaining extensive experience in both frontline support and leadership roles. Since 2018, Sharon has worked directly with local authority–commissioned children’s care packages, and since 2020, served as a CQC Registered Manager. These roles have provided her with a deep understanding of the regulatory and operational demands of delivering high-quality residential care.

Over the course of her management career, Sharon has consistently achieved Good and Outstanding ratings in inspections, reflecting her commitment to maintaining excellence in leadership, safeguarding, and service delivery. These outcomes demonstrate her ability to sustain compliance, promote best practice, and lead teams that embody professionalism, compassion, and accountability in their work with children and families.

Her professional ethos is grounded in empathy, patience, and respect for every child and family Sharon works alongside. As a parent herself, Sharon recognises the importance of providing children with stability, safety, and a sense of belonging. She strongly believes that all children, regardless of background or circumstance, deserve the opportunity to thrive in a nurturing and structured environment where their individuality is respected and their potential is supported.

As a Registered Manager, Sharon has successfully developed and implemented policies and procedures that ensure full compliance with the Children's Homes (England) Regulations 2015 and the Quality Standards. She is confident in managing all aspects of staff supervision and development to quality assurance, safeguarding, and placement management. She maintains transparent and effective communication with CQC, local authorities, and external professionals to ensure the home will operate to the highest standards of integrity and accountability.

In partnership with local councils, Sharon has managed numerous emergency and long-term placements, supporting children and young people with complex behavioural, emotional, and social needs. Sharon works closely with multi-disciplinary teams — including social workers, educators, health professionals, and family members — to develop personalised, holistic care plans that promote each child's welfare, education, and independence

## **2. Mr Jaspal Singh Sohal**

Jaspal is the Owner, Director and Nominated Individual of a well-established key children's care provider in Hillingdon with nine years' strategic leadership and governance responsibility and concurrently serves as a Risk Manager at a FTSE 100 Asset Manager with more than twenty years' experience in risk and control roles. Jaspal's primary remit is strategic governance, regulatory assurance and senior safeguarding sponsorship rather than day-to-day operational management; provide high-level direction, set organisational vision and performance expectations, develop



business plans and quality-assurance systems to drive continuous improvement and inspection readiness while ensuring that operational responsibility is delegated to the Registered Manager and senior on-site leaders.

### **3. Mr Harpinder Singh Dhillon**

With two decades of experience in the financial services industry, Harpinder has built a career leading teams and delivering high-profile projects across complex and regulated environments. Harpinder's background has equipped him with strong leadership, governance, and organisational skills, underpinned by a commitment to quality, accountability, and continuous improvement.

Throughout his career, Harpinder has been responsible for developing and supporting teams to deliver against strategic objectives, managing operational performance, and ensuring compliance with industry standards. These experiences have fostered a deep understanding of how to create structured, well-led, and supportive environments — principles that are equally vital in the provision of high-quality care for children.

As Director of the children's home, Harpinder brings a people-centred approach, focusing on stability, nurturing relationships, and positive progression for young people. Harpinder's professional discipline, ethical standards, and passion for making a meaningful difference form the foundation of his commitment to ensuring that every child in our care feels safe, valued, and supported to achieve their full potential.

### **4. Mrs Amandeep Kaur Dhillon**

With over 15 years of experience in family law, Amandeep is a senior family law solicitor. She has developed a distinguished career dedicated to advocating for the rights and welfare of children and vulnerable families, with a strong focus on Children Act matters.



Amandeep's extensive work spans residence and contact disputes, parental responsibility, special guardianship, domestic abuse cases, and adoption matters, providing her with a deep and nuanced understanding of the complex legal and emotional issues surrounding child welfare.

Now stepping into the role of Director at Siyan House, Amandeep brings a unique blend of legal insight, safeguarding expertise, and compassionate leadership, reflecting a lifelong commitment to improving outcomes for children in care and ensuring every child receives both protection and the opportunity to thrive. In her new role, Amandeep is dedicated to upholding the highest standards of care, compliance, and child-centred practice, working collaboratively with staff, families, and professionals to create a safe, nurturing, and empowering environment where every child's individual needs are recognised and supported.

Amandeep's experience as a solicitor has instilled in her a high level of organisation and a meticulous approach to compliance, both of which are invaluable in the care home sector.

Siyan Care Ltd is opening a residential children's home dedicated to providing care and accommodation for a single child placement (aged 10-17). It is essential that the child is matched to their surroundings and this includes a comprehensive risk assessment.

The home, called "Siyan House" aims to offer a nurturing environment where children, who are 'looked after' due to neglect, abuse, or other circumstances, receive the support they need from a team of qualified, well-trained staff.

When children enter the care system, their local authority assumes parental responsibility, acting as their 'corporate parent'. It is the authority's duty to place them in safe and suitable accommodation. Siyan Care Ltd has been meticulously planning this venture to ensure our management team possess the expertise and experience necessary for success.



***Siyan House** will accommodate a single child placement, meeting and where possible exceeding the requirements and needs of the social worker, local authority and the young person's family, Ofsted regulation and standards and more importantly the needs, wishes and aspirations of the young people staying with us. We will accept referrals from the local authority on a planned admission basis. The planned admission process is preferred and will be negotiated with the Registered Manager. Timescales for admission may vary dependent the home circumstances and occupancy. All admission discussions to be held with the Registered Manager in the first instance taking into consideration the matching tool risk assessment that aims to provide the child with a holistic and tailored care package.*

*Working and engaging with local authorities, key community stakeholders, and, where appropriate, the child's family, our mission is to enhance outcomes which is key, in areas such as:*

- *Leadership and Management*
- *Standard of Care Planning*
- *Protection and safety*
- *Physical health*
- *Emotional well-being*
- *Educational attainment*
- *Positive relationships*
- *Enjoyment and achievement*
- *Consideration of their wishes and feelings*

*We will adhere to the standards set out in the Children's Homes Regulations 2015 and the SCCIF 2024, and any other relevant regulation and legislation, ensuring our commitment to providing a quality standard of care.*



*At **Siyan House** our goal, working alongside key agencies, is to help children and young people to transform their lives and shape their futures in the direction they wish to go. Understanding that there is no “one size fits all” approach, we tailor our services to meet each child’s individual needs, focusing on their protection, welfare, growth, and development. We strive to be a source of structure and inspiration, creating aspirations for a brighter future.*

## **Company Profile**

1. Siyan Care Limited comprises highly regarded and experienced individuals who bring a wealth of knowledge and dedication to the care home sector.
2. The business plan outlines the strategy to establish a new, children's home in Hayes, aligned with the Hillingdon **Childcare sufficiency assessment**.
3. The therapeutic model, grounded in trauma-informed practice and Positive Behaviour Support (PBS), is specifically designed to support children with complex needs, learning disabilities, EBD, and neurodivergent conditions. By leveraging their existing expertise and proven local model of care, the aim to provide a safe, stable, and outcomes-focused environment for children in Hillingdon, while contributing to the county's strategic goals and improving placement stability.

## **The Business**

Siyan Care Limited is a limited company committed to providing high-quality, person-centred support. Our residential children's home will be Ofsted-registered and deliver care in line with the Children’s Homes Regulations 2015 and the Quality Standards. Our ethos is to create nurturing, family-like environments where children feel understood and supported.

Our services for children's residential care are based on:

- **A Therapeutic, Relationship-Led Approach:** Our model blends trauma-informed care, Positive Behaviour Support (PBS), and direct access to therapeutic professionals to support healing and personal development.





- **Child-Centred Planning:** We prioritise the child's voice and preferences in every aspect of their care plan, using tools like PACE (Playfulness, Acceptance, Curiosity, Empathy).
- **Local Integration:** Our homes are embedded in local communities, encouraging participation in local schools, amenities, and activities to foster a sense of belonging.
- **Robust Partnerships:** We work closely with commissioners, social workers, SEND teams, and CAMHS to ensure a collaborative and unified approach to care.

*We are establishing a new home, Siyan House, in Hayes, Middlesex, to provide a single placement residential care for children aged 10 to 17. The home will specialise in supporting a child with learning disabilities, emotional and behavioural difficulties, complex behaviours, and neurodivergent needs, building on our existing and extensive experience in the local Hillingdon authority and neighbouring areas.*

*Once a referral is made and deemed appropriate, we implement a thorough assessment process to ensure Siyan House is equipped to meet all the child's needs and provide a positive, supportive environment. This multi-step process involves various stakeholders and careful consideration.*

## **Vision**

Our vision is to create a stable, secure, and safe environment where every child and young person can flourish. Guided by our core principles of SAFETY (Safety, Acceptance, Focus, Emotional Resilience, Teamwork, and Young People), we aim to deliver excellent care and achieve the best outcomes. We aspire to become the provider of choice for local authorities by establishing a centre of excellence in residential social care.

## **Mission**



Siyan Care Ltd aspires to provide high-quality residential care that is a centre of excellence that will look to focus on young people's achievements and outcomes.

We at Siyan Care Ltd believe that we can change the pathway of children and young people in care. We recognise that children and young people in residential care are often at a disadvantage

due to circumstances beyond their control. Our life experiences working with children and young people have led us to believe that we can offer a more level playing field. We aspire that those in our care will be supported in all aspects of their lives including education, preparation for adulthood and that their emotional health and well-being are key to this journey. We will give our children and young people the tools and opportunities to achieve their aspirations. We will work tirelessly to ensure they have the strength, confidence and support to build a bright, limitless future. We are determined that management and staff are trained and equipped to carry out our vision.

### Core Values

- **Passion:** We are dedicated to the children in our care, constantly seeking to innovate and improve. We strive to make a positive impact every day.
- **Accountability:** We take ownership of our decisions, actions, and outcomes as individuals, as a team, and as a company. We proactively learn from any challenges we encounter.
- **Resilience:** We persevere through difficulties, collaborating and working together to overcome challenges.
- **Knowledge:** We support our colleagues in acquiring new skills and developing their full potential.
- **Versatility:** We embrace change with a positive outlook, ready to face challenges as they arise.
- **Integrity:** We uphold the highest standards, maintaining honesty, transparency, and commitment in everything we do.

- **Empowerment:** We believe in and trust our colleagues, supporting them to perform their roles effectively.
- **Warmth:** We work with compassion and understanding, maintaining a friendly and open approach in all interactions.

## The Application

1.1 This application is for a change of use from a dwellinghouse (C3) to a children's care home (C3b) to house a **maximum of** one child (aged between 10 -17) with emotional and behavioural difficulties, and associated learning disability, but the primary criteria for placement must be the emotional and behavioural aspect.

1.2 Situated in a residential area within Hayes. The home is a, two bed semi-detached property that has been newly furnished to provide a homely and welcoming environment for a single child placement. It is designed to offer comfort and space for relaxation and socialisation.

1.3 The layout comprises:

Two bedrooms

One bathroom

Kitchen/Dinner

Lounge reception

Office

1.4 Outside there is:

Enclosed rear garden



1.5 The bedrooms have been recently refurbished and are modern and spacious ensuring a comfortable and personal space for the child/young person.

1.6 The child is actively encouraged to personalise their bedroom, and their input is sought regarding their own comfort. This ensures that the child feels a sense of ownership and comfort in their living environment.

1.7 While there are no specific physical requirements for what a children's home must look like, the key is to demonstrate that the home can provide high-quality care aligned with our Statement of Purpose and the children's guide.

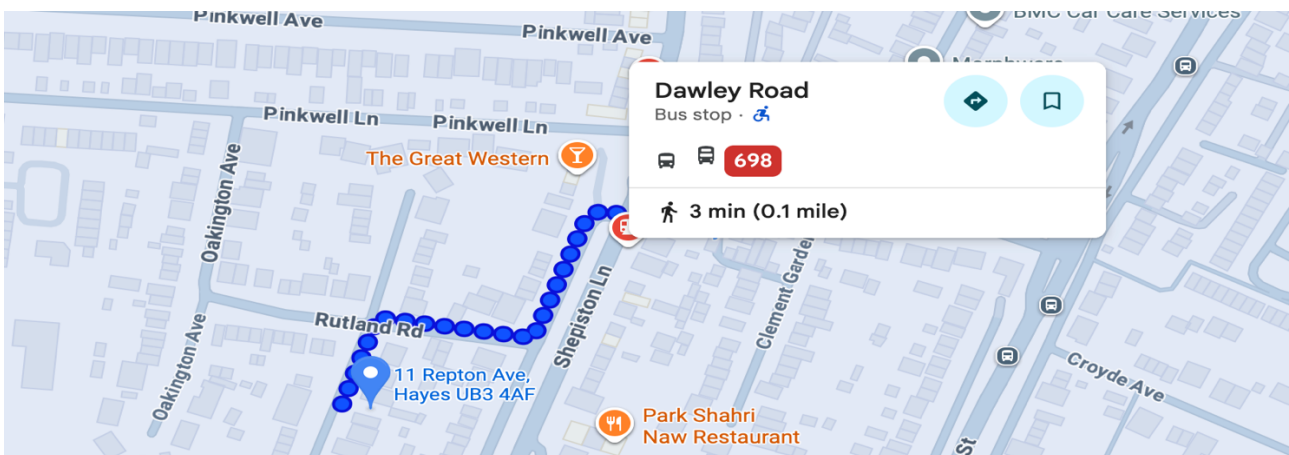
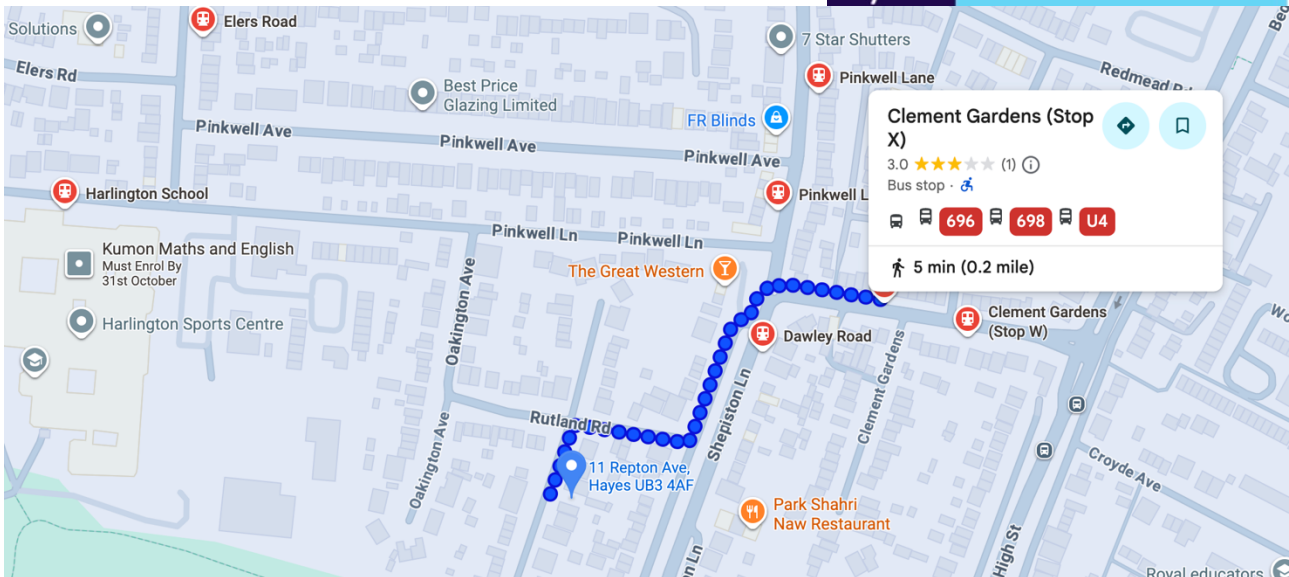
At a minimum, the property must provide:

- A private furnished bedroom for each child
- A communal bathroom
- A living area
- A kitchen and dining area
- A staff office
- A garden for outdoor activities

There is on site parking at the property and it is highly accessible with public transport stops within easy walking distance.

1.7.1 The site is located close to transport links as indicated below :





## Nearby Services

StreetCheck lists many nearby services, for instance railway stations, GPs and schools. Here is just a selection...

- **Closest primary school:** [Pinkwell Primary School](#) (630 yards)
- **Closest secondary school:** [Harlington School](#) (370 yards)
- **Closest GP:** [Shakespeare Health Centre](#) (490 yards)
- **Closest hospital:** [Hillingdon Hospital](#) (2.4 miles)

## Broadband Summary

This postcode has support for gigabit broadband at one or more premises. That generally means support for 1,000Mbps or more, giving blazing fast speeds. More details are available on [the Broadband tab](#).

### Nearest Railway Stations



Listed here are the 20 closest railway stations to Repton Avenue, Hayes, UB3 4AF. The nearest railway station is Hayes & Harlington, approximately 0.7 miles away.

1.7.2 It is in a highly sustainable location within walking distance of public transport. There is parking for one car within the curtilage and there is some on road parking and there are NO yellow lines restricting parking.

1.8 *The dwelling aims to be a 'normal' family home. Windows restrictors are fitted to the windows. This is designed to help keep children safe. No other adaptations have been made. As we are unlikely to have children with LD led challenges, it is unlikely for us to need such specialist adaptations. Please note that the home is not suitable for children with physical disabilities.*

1.9 These are Local Authority placements and will have one full time carer always residing in the property. However, this will NOT be the carers primary residence.

1.10 There will be no changes to the appearance of the building and no changes to the existing internal layout. As such there will be no impact on the visual amenity area.

1.11 Overall, the proposed scheme will provide a much-needed care facility which is not significantly different in nature to its current use as a dwellinghouse.

1.12 Siyan House Children's Home has applied for Ofsted registration and their staff will be NVQ qualified.

1.13 The existing use of the property is a C3 dwellinghouse that it is intended to house one child with emotional difficulties, challenging behaviour and associated learning disability, but the





primary criteria for placement must be the emotional and behavioural aspect. This is small children's care home arrangement where carers with residential staff to assist the child to live within the property and manage their lives on a daily basis with help such as healthy eating, carrying daily activities in a safe manner.

1.14 The primary carer will be at the property to care for the child for most of the week with handovers in accordance with the staff rota. This property will not be their place of residence outside of work. It is expected that the children will stay at the property long term, for a long period at a time or until the age of 17 years.

1.15 It is our belief that this proposal means the use class we intend for the property is Class C3(b) which covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.

1.16 As set out in S.55 of the Town and Country Planning Act 1990 development only occurs if the change of use is "material". There is no definition of a "material" change, and it is therefore a question of fact and degree depending on the circumstances of each case.

1.17 The application is put forward on the basis that there would be no material change of use of the property. It would not therefore constitute development and would not require permission.

## **2.0 Background**

2.1 The leading Court judgement on children's care homes is North Devon District Council v FSS & Southern Childcare Ltd (2003).



The judge considered the question as to whether the Use Class of the property was C3 or C2. He took the view that with no adult residing permanently in the property the arrangement did not constitute a “household” for the purposes of C3 and therefore it was a C2 residential institution.

2.2 The judge then went on to consider a subsidiary question whether, even if it was a different use class, the change of use was material. The materiality of any change was either in character of the use or the effect of the change on neighbouring uses and the locality. **The judge observed that this depends entirely on the facts of each individual case and in that particular case, concluded that there was not a material change and lawful use was confirmed.**

2.3 It is our view that the proposed use of the property does not constitute development. The proposed use of the property is to house a maximum of one child with adult carers who will be present full time. **It is still a residential home for a family. The fact that it is not a nuclear family is immaterial. Families comprise all different compositions, but they are still families who live in a family home.**

2.4 The property has 2 bedrooms, a kitchen,/diner, office lounge/reception room and is large enough that it could easily accommodate a family group of 2 adults plus two children. Class C3 (b) of the Town and Country Planning (Use Classes) Order as amended refers to “use as a dwelling house by not more than six residents living

6 together as a single household, (including a household where care is provided for residents).” If a children’s home was being run on this basis, with children being looked after by a permanent occupant of the dwelling, there would be no requirement for planning permission.

2.5 The proposed use would be very similar to a C3 dwellinghouse. Daily patterns of movement to and from the property would not be dissimilar to any family home or small care home. (In fact, they will be considerably less in this instance). There would not be any greater number of trips to and from the property which might lead to traffic, parking, or other disturbance to amenity than one would expect in a normal family or small care home. On this basis the Applicant's therefore consider that the proposed development is lawful, and a Lawful Development Certificate should be granted.

### 3. Supporting Evidence

3.1 This statement has been prepared to support my client's application for Certificate of Lawfulness of Proposed Use or Development

Use as a supported living home for a maximum of one child between the ages of 10-17 primarily with emotional and behavioural difficulties

3.2 The rostering patterns are indicated below with a ratio of 1:1

Team: **A = Main carer, B = Deputy carer, C = Relief (planned only)**

Day	Morning (pre-school)	School time	Afternoon / Evening (post-school)	Night duty
<b>Mon</b>	<b>A 08:00–08:30</b>	School	<b>A 15:00–20:00</b>	<b>A sleep-in 20:00–08:00 (See notes)</b>
<b>Tue</b>	<b>A 08:00–08:30</b>	School	<b>A 15:00–20:00</b>	<b>A sleep-in 20:00–08:00 (See notes)</b>
<b>Wed</b>	<b>A 08:00–08:30</b>	School	<b>A 15:00–20:00</b>	<b>A sleep-in 20:00–08:00 (See notes)</b>
<b>Thu</b>	<b>A 08:00–08:30</b>	School	<b>A 15:00–20:00</b>	<b>A sleep-in 20:00–08:00 (See notes)</b>
<b>Fri</b>	<b>A 08:00–08:30</b>	School	<b>B 15:00–20:00 (B arrives 14:30 for joint handover)</b>	<b>B sleep-in 20:00–08:00 (See notes)</b>
<b>Sat</b>	<b>B 08:00–20:00</b>	N/A	<b>B continues; A off</b>	<b>B sleep-in 20:00–08:00 (See Notes)</b>
<b>Sun</b>	<b>B 08:00–20:00</b>	N/A	<b>B continues; A returns 14:30 for joint handover</b>	<b>A sleep-in 20:00–08:00 (see Notes)</b>

Registered Manager available on call 24x7 (with support from deputy manager).

3.2.1 Client care will be structured around individual's needs such as assistance with their care in a 'parental role'.

#### **4.0 Site Description**

4.1 The application site is a two storey, 2 bed semi-detached dwelling with on-site parking in a residential location comprising:

Kitchen/diner, a lounge/reception, office, bathroom with a bath, and garden.

The GIA is approximately 58.81 m2.

The surrounding uses are primarily residential.

The property is within a very short walk of a bus stop and so has a good level of access to public transport.

4.2 The location is considered sustainable. There is a good bus service for those staff who do not drive.

#### **Existing use**

4.3 The existing use is a C3 dwelling house. There is no planning history pertaining to the site.

#### **Proposed use**

4.4 The proposal is to operate as a small children's care home for one child between the ages of 10 -17 who has primarily emotional and behavioural needs. The maximum number of children housed at any one time will be **one**. This will be long term placements for the clients up to the age of 17 years.



4.5 Rotar patterns are indicted above in paragraph 3.2.

4.6 The long nature of the rota pattern also ensures that there is consistency for the children, and there is not a huge handover of staff, i.e., the comings and goings of staff is minimised to avoid adverse noise to nearby properties.

4.7 The internal layout will remain unchanged internal like a normal family home with 2-bedroom, a kitchen/diner, a lounge/reception, office, garden, and a bathroom with a bath. There are no external alterations to the building proposed therefore no changes to the appearance of the property to indicate that it is different to a dwellinghouse.

4.8 In terms of the Care Standards Act 2000, the applicants have applied for Ofsted Registration.

4.9 The Ofsted Guide to Children's Homes stipulates that all children's homes must have a children's guide. It advises that a cared-for child's bedroom should not generally be entered without their permission and that children should be provided with appropriate, lockable furniture to store their personal items, including any personal information. It also provides advice on the use of CCTV and monitoring equipment within the home. It stipulates at length the information, monitoring and record-keeping that a children's home must carry out and the procedures that it must have in place, Ofsted will inspect a children's home each six months and an independent observer must assess the home each six weeks.

4.10 In addition to Ofsted's one visit per year, there will be one visit by local social services each month and one Regulation 44 visit per month. All other professional or clinical appointments and meetings would take place away from the home.



#### 4.11 Risk Assessments

In consideration of Ofsted, they require a Location Risk Assessment to be carried out to assess the suitability of the area for a children's care home. This involves consultation with local police and social services departments. There will also be an impact risk assessment for each child's needs where a referral has been made.

### 5. Policies and Legislation

5.1 The application is submitted under Section 192 of the Town and Country Planning Act 1990 (As amended) which states:

***192 Certificate of lawfulness of proposed use or development.***

*(1) 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.*

*(2) 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 that effect; and in any other case they shall refuse the application. (3) 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) 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.*





*The Town and Country Planning Use Classes Order (1987) (as amended) (UCO) sets out a number of different use classes and states at 3.(1):*

*Subject to the provisions of this Order, where a building or other land is used for a purpose of any class specified in the Schedule, the use of that building or that other land for any other purpose of the same class shall not be taken to involve development of the land.*

*A C3 dwellinghouse is defined as follows:*

### **5.2 Class 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).*

5.3 Class C3 (b) of the Town and Country Planning (Use Classes) Order as amended refers to “use as a dwelling house by not more than six residents living together as a single household, (including a household where care is provided for residents).” If a children’s home was being run on this basis, with children being looked after by a permanent occupant of the dwelling, there would be no requirement for planning permission.

5.4 The UCO, therefore, confirms that changes within each Use Class do not constitute development and therefore would not need planning permission. The UCO does not specify what changes of use do require permission.

Development is defined in Section 55(1) of the Town and Country Planning Act (1990) which states:



Meaning of “development” and “new development”.

Subject to the following provisions of this section, in this Act, except where the context otherwise requires, “development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

5.5 In addition, Paragraph 011 of the national Planning Practice Guidance (PPG) states:

**When does a change of use require planning permission?**

5.5.1 A change of use of land or buildings requires planning permission if it constitutes a material change of use. There is no statutory definition of ‘material change of use’; however, it is linked to the significance of a change and the resulting impact on the use of land and buildings. Whether a material change of use has taken place is a matter of fact and degree and this will be determined on the individual merits of a case.

5.6 Section 55 of the Town and Country Planning Act 1990 and the PPG both confirm that planning permission is only needed where there is a material change in use. The UCO only specifies what

doesn’t need permission not what does, therefore even though there is a change of use from one Use Class to another, planning permission is only needed if that change is material.

5.7 This application is put forward on the basis that the proposed change of use is not material. It does not therefore constitute development under section 55(1) of the TCPA, planning permission is not required and therefore it is lawful.

5.8 Paragraph: 005 (Reference ID: 17c-005-20140306) of the PPG states.

An application needs to describe precisely what is being applied for (not simply the use class) and the land to which the application relates.

5.9 This is important because it specifies the parameters of the use, in order that it sets out the limitations of any lawful use granted. This ensures that the authority retains control in the event that there is further change in the use which then might trigger a material change of use.

### **Assessment**

5.10 As set out in Section 55 2 (f) of the TCPA 1990 (as amended) where two uses fall within the same Use Class no development has occurred and such a change would therefore be lawful.

### Existing Use

5.11 The property is a C3 Dwellinghouse and was last in use as a C3(a) dwellinghouse. It could therefore be used for a C3(a), C3(b) or C3(c) use without the further need for planning permission as any change within C3 would not constitute development. The property is of a size where it could accommodate a four member family, a small care home (C3b) or C3(c) other 6 person household.

### **Proposed**

5.12 The proposed use is as small children's care home for one child. They share communal facilities in the house and receive 24-hour support to provide them with a family environment. It is considered that this is a C3(b) use class which provides for not more than 6 residents living together as single household where care is provided.

5.13 There is no statutory definition of a "single household" for the purposes of Class C3(b).



5.14 The leading case on the interpretation of a single household in C3(b)/C3(c) is the Court of Appeal decision *R(Hossack) v Kettering BC* [2002] EWCA Civ.886. The Court made two important points. Firstly, that in the UCO, Class C3 is intended to include small community care homes consisting of up to 6 residents (including resident staff) “*living together under arrangements for providing care and support within the community*”. The second point is that by setting C3(b) limit to 6 residents it is more likely they are living together as a single household than if there were more than six.

5.15 The property is considered to be in a C3(b) use based on the above information. It could of course be used for a C3(a), C3(b) or C3(c) use without the further need for planning permission as any change within C3 would not constitute development. The property is large enough that it could accommodate a family of 2 adults and 2 children with ease. It could also be used by 6 adults residents under the C3(b)(small care home) (with non-resident carers who would not be included within the limit of 6) or C3(c) other 6-person household definition.

5.16 The leading judgement regarding small care homes for children is *North Devon District Council v FSS & Southern Childcare Ltd* (2003) (Appendix 3). The house in this case was to be used to provide residential care for 2 children between the ages of 10 and 17 placed in the care of the operator by the local authority. Two resident staff were on duty at all time and the house was under the supervision of 6-7 carers operating on 8-hour shifts.

5.17 The court considered the question as to whether the Use Class of the property was C3 or C2. The judge took the view that the arrangement of children living in the property with no adult residing permanently in the property was not a “household” for the purposes of Class C3. Carers who do not live permanently at the premises cannot be considered to be living together as part of the household. The judge therefore concluded that the use was a C2 residential institution.



5.18 The judge then went on to consider a subsidiary question relating to whether, even if in a different use class, a change of use from a C3 use was material and the materiality of any change was either in character of the use or the effect of the change on neighbouring uses and the locality. The judge observed that this question depends entirely on the facts of each individual case and in that particular case concluded that there was not. In that case he concluded that there was not a material change of use.

5.19 The court considered the question as to whether the Use Class of the property was C3 or C2. The judge took the view that the arrangement of children living in the property with no adult residing permanently in the property was not a “household” for the purposes of Class C3. Carers who do not live permanently at the premises cannot be considered to be living together as part of the household. The judge therefore concluded that the use was a C2 residential institution.

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5.21 In light of this judgement the main considerations relating to this application are

- 1) which Use Class the proposed development falls into and:
- 2) whether there would be a material change of use constituting development.

In relation to point 1) our research for the application has shown that there has been much debate in similar cases as to whether the Use Class for this type of proposal should be C3(b) or C2. As



Court decisions have frequently confirmed it is a matter of fact and degree depending on individual circumstances. It can of course be appropriate to draw comparisons with other cases where they are sufficiently similar in nature.

5.22 Examples from other Councils also show variation. Croydon council granted an LDC as Use Class C3(b) (Application Reference 18/02611/LP) for a similar care home for 5 children. Corby Borough Council granted a certificate for a care home for 2 children as C2 (18/00559/CLE) on the basis there was no material change of use.

### **Staffing**

5.23 The proposed staff structure indicated above in paragraph 3.2.

This arrangement would not be dissimilar to a normal family home of this size (C3(a) use) nor what is proposed which is a C3b. If a children's home was being run on this basis, with children being looked after by a permanent occupant of the dwelling, there would be no requirement for planning permission.

5.24 The main car movement at the property would be during the staff changeovers in the morning. Again, this would not be dissimilar from car movements associated with a normal family home in terms of cars leaving and arriving to go to work and for the school runs and shopping trips.

### **The Property**

6.0 The submitted plan shows the proposed layout of the property. There are no changes proposed to the layout of the property. There are no external alterations proposed.





## **The Residents**

6.1 The clients/s will not exceed one child and will be under 18 years old.

The care model proposed here similarly aims to replicate normal family life as far as possible. The placements will be long term so there will not be a continuous turnaround of residents.

## **7.0 Summary**

7.1 It is considered that the proposal satisfies the test of C3b:

- C3(b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.

## **7.2 Fear of Crime**

Applications for Children's care homes whether they are a full submission ie C3 to C2 application or a CLOPUD are often met with comments both from the Police (who are consultees) and neighbours. It has not been proven that the clients residing in these homes are the cause of increased crime. These are putative comments. The resident children are far more regulated and have far less time on their own due to the rules imposed than any other child living in a family home.

7.3 Moreover, a recent Appeal Ref: APP/M4320/W/25/3358291

**205 Strand Road, Bootle, Sefton L20 3HJ** was allowed by the Inspectorate who considered the following:

## **Main Issues**

3. The main issues of the appeal are whether the appeal property is an appropriate location for residential care accommodation, and the effect of the proposal on the fear of crime and anti-social behaviour.



*Merseyside Police responded to the planning application consultation noting that there were more than 1100 crimes in the area across a two-year period starting in October 2022 and that there were concerns regarding the high levels of crime. The Police raised no objection to the application proposal subject to a suitable safeguarding management strategy and internal policies being implemented.*

*6. The appellant indicated that their business model is one of closely supervised, high-ratio care and outlined that the property would be “operated in the same manner as a regular family home.” The appellant also confirmed that the appeal property would be occupied by a maximum of two children with two primary carers. Furthermore, Ofsted<sup>1</sup> set the regulatory standards for this type of accommodation and would undertake inspections of the property to ensure these standards are being met. These measures correlate with those requested by Merseyside Police.*

*7. The Council highlighted another appeal where the Inspector concluded that a similar development would result in an increased fear of crime and have an adverse effect on community cohesion. That appeal was supported by evidence that residential care accommodation in that area received satisfactory assessments from Ofsted but generated a significant number of attendances by the police. That appeal property is located elsewhere in the country and therefore the evidence is not relatable to this proposal.*

*To the contrary, it has indicated that the proposal would be acceptable subject to certain measures being implemented. Whilst there is evidence of a high level of crime in the area, there is no evidence that this is linked to the appeal property or nearby properties, or other residential care accommodation in the area. As such, there is no substantive cogent evidential basis to support*



concerns of an increase in the fear of crime or anti-social behaviour, related to the change of use of the appeal property.

*The Council stated that this is not a preferred location for vulnerable children. Neither local nor national planning policy requires a sequential assessment to be undertaken to identify locations for residential care accommodation. Moreover, no harm would arise from the proposed change of use, and residential care accommodation would assimilate with the character of the area.*

*9. I conclude that the appeal property is an appropriate location for residential care accommodation and that there would not be a justified increase in the fear of crime and anti-social behaviour, supported by substantive cogent evidence. The proposal would comply with Policy EQ1 of A Local Plan for Sefton, April 2017.*

### **Conclusion**

*16. For the reasons given above the appeal should be allowed and planning permission should be granted.*

### **8. Conclusion**

8.1 It is our view that the proposed use of the property does not constitute development and a Lawful Proposed Use Certificate should be issued.

8.2 Based on a review of case law and Appeals, this type of use, is generally considered to be a C3b use class. Indeed, this has been the conclusion in many of the cases considered in recent years. The Use Class Order only prescribes what does not need planning permission within the specified use classes not that a change from one to the other needs permission.



8.3 As set out in s.55 of the Town and Country Planning Act 1990 development only occurs if the change of use is “material”. The question of whether a change is material is a matter of fact and degree. If there was a noticeable change in terms of the impact of the use on the environment or amenity then it could be argued that the change was material, however we do not believe this to be the case.

8.4 The proposed use of the property to house a maximum of one child, with adult carers present in an environment very similar to a small care home or family home, would not result in a material change. There would not be any greater number of trips to and from the property which might lead to traffic, parking, or other disturbance to amenity than one would expect in a normal family.

8.5 On this basis, and the information provided it is considered that the proposed development is lawful, and a Lawful Development Certificate should be granted.

Visionary PlanningUK

November 2025

