

Planning Statement – 4 Shenton Close, Stoke Golding

Certificate of Lawfulness for a proposed use as a residential care home (Class C3b) for one young person and two care staff.

Introduction

We write on behalf of Cooper Humphreys Ltd in support of their application for a Certificate of Lawfulness for the use of 4 Shenton Close as a Class C3b residential care home for one young person and minimum 2 care staff (staff will operate on a shift rotation).

The application is made under Section 192 of the Town And Country Planning Act 1990 (as amended) and is predicated on the basis that the use of the building as such would not be materially different to the existing dwelling, whereby planning permission is not required and the Certificate should be issued.

The application comprises this covering letter and the following documents:

- Completed application form and ownership certificate
- Location Plan
- Floor plans

The Site & Surrounds

4 Shenton Close is a 3-bedroom semi-detached dwelling.

The property lies within an established residential estate.

Accommodation is as shown on the submitted floor plans. Greenspace/amenity land is in close proximity.

The proposal

The lawful use of 4 Shenton Close is as a C3 dwelling. The Use Classes Order defines C3 dwellings as comprising three parts.

- C3 (a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees, a carer and the person receiving care and a foster parent and foster child.
- 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.
- C3 (c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. small religious

community may fall into this section as could a homeowner who is living with a lodger.

C2 Residential institutions include residential care homes, hospitals, nursing homes, boarding schools, residential colleges, and training centres.

The proposed use for which the Certificate is sought, is the use of 4 Shenton Close as a small care home for one looked-after child. There would be no more than one child living full time at 24 Lambourne Close with two, and sometimes four, carers who would work on a shift pattern. Thus there would be no more than two carers living on site at any one time.

The question is then whether the use as such would be materially different to the use of 4 Shenton Close as a C3 dwelling? We address this question below:

Assessment

The Certificate of Lawfulness in this instance seeks the Council's confirmation that the use of the dwelling (C3) as a residential care home falling within Class C3b, does not result in a material change of use and is therefore lawful. This is on the basis that the use would be indistinguishable from the lawful C3 use of the building.

4 Shenton Close is a three-bed dwelling. It is reasonable to expect a dwelling of such size to accommodate a typical or even larger than average family, with two adults and three or four children. The children might be similar in age and hence share trips or might vary in age such that comings and goings associated with pre-school, school runs and social, leisure and work trips vary significantly.

It should be noted that 4 Shenton Close could be used, within the criteria of C3, as a small HMO, where up to six adults might reside and who, despite living together as a single household, might have distinct patterns of movement to and from the property for reasons of work, leisure, and shopping for example.

The key issue is, therefore, whether the movements arising from 4 Shenton Close's use as a care home for one child, with care provided on a shift rotation, would be materially different to that arising from the lawful C3 use.

The child would be looked after by carers on a shift rotation with shifts typically starting at 08:00 daily with a 30-minute handover.

It follows from the above, that the proposed use of the building would not be materially different to the lawful use, whereby a Certificate of Lawfulness should be issued.

In support of this conclusion, we have had regard for the Written Ministerial Statement '*Planning for accommodation for looked after children*' published by the Minister of State for Housing and Planning on 23rd May 2023 (hereafter 'WMS').

The WMS explains the importance of planning for accommodation for looked after children and that where care is the best choice for a child, that accommodation is provided as near the children's communities as possible and the right sort of homes with access to good

schools and community support. The Minister used the WMS to reinforce that local planning authorities should assess the size, type and tenure of housing needed for different groups in the community and reflect this in policies and decisions.

Of particular pertinence to this application is the following extract:

“Planning permission will not be required in all cases of development of children’s homes, including for changes of use from dwelling houses in Class C3 or there is no material change of use to Class C2. An application to the local planning authority can be made for a lawful development certificate to confirm whether, on the facts of the case, the specific use is or would be lawful. Where a Certificate is issued, a planning application would not be required for the matters specified in the certificate.”

We have also had regard for appeal decisions, and note a recent decision from Bromley, London, in which an Inspector decided on the same issue, confirming that the proposal use of an end of terrace dwelling as a small children’s care home would not amount to a material change of use.

We are also aware of a recent decision by Herefordshire Council which again dealt with the same question. Under reference P232891/V, the Council issued a Certificate of Lawfulness for the proposed use of a C3 dwelling at Ross as a residential care home (Class C2) for up to three young people and two care staff.

The Officer report contains the following assessment:

“There are no alterations to the existing dwelling, there will always be two carers on site at any time, working on a shift pattern to provide cover 24/7. The property will still be run on a day-to-day basis as a domestic property. The children will reside full time in the property and utilize the property as their home. It is recognized that the difference would be that carers would be coming to look after the children and therefore they do not live as a family unit in the traditional sense but no more than six persons will reside at the property at any one time.

Taking legal commentary and the Ministerial statement published in May 2023 and applying it to the application currently before the Council. The information provided by the applicant confirms that the number of occupiers and the nature of the living arrangements are such that the proposed use falls within Class C2. It is considered by Officers that the information provided demonstrates that the proposal will not constitute a material change of use from the existing dwelling house”.

Summary and Conclusions

It is proposed to use 4 Shenton Close as a small care home for no more than one child. The child would live at the property on a permanent basis, but under the care of minimum two carers on 24-hour rotation.

With reference to the Written Ministerial Statement, recent appeal cases, and local precedent, we conclude that the proposed use would not amount to a material change whereby the Council should issue a Certificate of Lawfulness.

It is hoped that the above information is of assistance. Please do not hesitate to make contact should any further clarification be required.

Gwynfor Humphreys FRICS

9 March 2026