

Delegated Report

Planning Reference: 26/00150/CLP
Applicant(s): Mr W Cooper
Ward: Ambien



Hinckley & Bosworth
Borough Council

Application Site: 4 Shenton Close, Stoke Golding

Proposal: Change of use from dwelling (Use Class C3) to a care home for 1 child (Use Class C3b)

Case Officer: Ashleigh Gade (Senior Planning Officer)

1. Recommendations

1.1. Grant Certificate of Lawful Proposed Development

2. Planning Application Description

2.1. This application seeks a Certificate of Lawful Proposed Development to confirm that the change of use of a Use Class C3 dwelling to a Use Class C3(b) dwelling for the care of one young person at 4 Shenton Close, Stoke Golding constitutes lawful development.

2.2. No physical works are proposed as part of the change of use and the property will retain its existing layout and appearance.

2.3. To facilitate the operation of the residential care home, a maximum of four care staff shall be employed on the site with a maximum of two staff typically present at any one time. The care staff will work on a rotating shift pattern to ensure 24-hour coverage.

3. Description of the Site and the Surrounding Area

3.1. The application site is located within the settlement boundary of Stoke Golding, to the north of the settlement.

3.2. The application site contains a two-storey semi-detached dwelling. The dwelling comprises three bedrooms, one bathroom, a lounge and dining area and a large kitchen. The site contains an associated detached garage located adjacent the southern side boundary, with a hard surfaced access drive providing single-width car access along the same boundary. To the rear of the site is a rectangular garden area.

3.3. The application site has existing vehicle access from Shenton Close which is an adopted, unclassified road subject to a speed limit of 30mph.

- 3.4. The surrounding area is predominantly residential in character and comprises a mix of detached and semi-detached dwellings including some bungalows and some two-storey dwellings. All properties directly neighbouring the application site are in residential use.

4. Relevant Planning History

- 4.1 Nil.

5. Publicity and Consultation

- 5.1. There is no statutory requirement to consult third parties on an application for a lawful development certificate. As such, the Local Planning Authority (LPA) have not undertaken consultation on this application.

6. Policy

- 6.1 Town and Country Planning Act 1990 (as amended)

7. Appraisal

- 7.1 Section 192 of the Town and Country Planning Act 1990 enables any person with the opportunity to ascertain whether any proposed use of buildings or other land, or any operations proposed to be carried out in, on, over or under land would be lawful.
- 7.2 The statutory framework covering, 'lawfulness,' for lawful development certificates is set out in Section 191(2) of the Town and Country Planning Act 1990. Section 191(2) of the Town and Country Planning Act 1990 confirms that uses and operations are lawful at any time if:
- (a) No enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and
 - (b) They do not constitute a contravention of any of the requirements of any enforcement notice then in force.
- 7.3 Planning Practice Guidance (PPG) states that the applicant is responsible for providing sufficient information to support an application. In the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable to a local planning authority to understand exactly what is involved. Without sufficient or precise information, a local planning authority may be justified in refusing a certificate. However, this does not preclude another application being submitted later on if more information can be produced.
- 7.4 Ultimately, the PPG highlights that a local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is, or

would be, lawful. Planning merits are not relevant at any stage in this particular type of application.

Use Class

- 7.5 The Town and Country Planning (Use Classes) Order 1987 defines Use Class C3 uses as:

“Use as a dwellinghouse, as a sole or main residence and occupied for more than 183 days in a calendar year by–

- (a) A single person or by people to be regarded as forming a single household; or*
- (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).”*

- 7.6 Use Class C2 relates to the provision of residential accommodation for the purposes of providing care. The Town and Country Planning (Use Classes) Order 1987 defines Use Class C2 as:

“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.”

- 7.7 The Applicant’s Planning Statement describes the existing dwelling as being a “C3 dwelling” and being in “lawful C3 use” from which the intended C3(b) use would be “indistinguishable”. It is not explicitly stated within the information provided which sub-category within Use Class C3 the dwelling is in current use for, just that it differs from but is not indistinguishable from the intended Class C3(b) use. Nonetheless, based on the wording and evidence available to the LPA it is reasonably concluded that the existing dwelling is in use as a Use Class C3(a) dwellinghouse.

- 7.8 The Applicant’s Planning Statement suggests that the proposed use would fall under Class C3(b) due to the function of providing care for a resident and based upon the total number of residents that would be living together.

- 7.9 The Applicant’s Planning Statement confirms that staff on the site will operate under a shiftwork pattern. This clarifies that while one young person will live at the property, the care staff would not be permanent residents of the premises.

- 7.10 The documentation provided to the LPA suggests a maximum of 4 staff members would work from the property, with typically a maximum of 2 staff members on site at any one time. The staffing numbers provide for 24/7 coverage of care at the residence.

- 7.11 Whilst Government Guidance confirms that the law does not confirm an age when you can leave children on their own, it is an offence to leave a child alone if it places them at risk. It was established in the case of *North Devon District Council v the First Secretary of State (Queen's Bench Division)* (2003) at Paragraph 16, that:

"Children need to be looked after... As a matter of principle and approach the whole point of these homes is that the children are regarded as needing full-time care from an adult, someone to look after them, someone to run their lives for them and someone to make sure that the household operates as it should."

- 7.12 This justification was utilised at Paragraph 8 of the allowed appeal decision at 15 Crownhill Road, Burbage against the refusal of application 11/00279/CLU. Paragraph 8 of this Appeal Decision states that:

"Children need to be looked after and could not, on their own, be regarded in the true sense as a household without the presence of a carer. Carers who provide 24-hour care but who are not resident could be regarded as living together in a household. The concept of living together as a household means that in the context of Class C3(b), that a proper functioning household must exist."

- 7.13 By virtue of these factors, the Local Planning Authority (LPA) agrees that the proposal does not involve a change of use from Use Class C3 to Use Class C2 for use as a residential institution for the care of children. Notwithstanding a shift from Use Class C3(a) to Use Class C3(b), the site would remain in use as a Class C3 dwellinghouse.

Material Change of Use

- 7.14 Paragraph 55(1) of the Town and Country Planning Act 1990 defines, 'development,' as 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.

- 7.15 Planning Practice Guidance (PPG) confirms that 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.

- 7.16 The Applicant in their Planning Statement has referred to the statement made by the Minister of State for Housing and Planning on 23 May 2023. The 2023 Ministerial Statement confirms that:

"Planning permission will not be required in all cases of development of children's homes, including for changes of use from dwellinghouses in Class C3 of the Use Classes Order 1987 where the children's home remains within Class C3 or there is no material change of use to Class C2."

- 7.17 The proposal involves no external or internal alterations. It would therefore not result in a material change to the character and appearance of the property.
- 7.18 As a Use Class C3 dwelling, the property can be occupied by up to six residents who receive care and live as a single household. This proposal is for a care home providing care for one young person with a maximum of four members of care staff on site throughout a 24-hour period, typically with a maximum of two at any one time. Therefore, the proposed use involves the occupation of the property by up to six persons and does not exceed the limitations of a property as it could be utilised for a Use Class C3 use.
- 7.19 Paragraph 12 of the allowed appeal decision against the refusal of 11/00279/CLU at 15 Crownhill Road, Burbage considered potential vehicle movements of up to three staff members and concluded:
- “Looking at the numbers involved, they are not materially different from what might be expected of a large family house in which, say, a parent and two teenagers or young adults live together and each uses a car to get to work or college and for socialising.”*
- 7.20 The proposal involves a maximum of four members on staff across a 24-hour period to provide 24/7 continuity of care. The Applicant’s Design and Access Statement states that the use would result in up to 8 vehicle movements per day. The vehicle movements therefore arising from the use would not be materially different in number to what might be expected of a large family home or dwelling comprised of young adults living together.
- 7.21 The Applicant has not confirmed whether any additional professional visits would occur to the site as part of its operation. Notwithstanding this, given the residence would be for the care of only one young person, the LPA do not consider it likely that any such visits, where required, are likely to materially depart from that of a typical Use Class C3 dwellinghouse.
- 7.22 By virtue of these factors and given that the proposal is considered to remain a Use Class C3 use, the proposal does not result in a material change to the use of the premises. In these site-specific circumstances, the proposed change of use is therefore not considered to be development for which planning permission is required.
- 7.23 Consequently, it is considered that a Lawful Development Certificate for the change of use from dwelling (Use Class C3) to a care home for one young person (Use Class C3b) at 4 Shenton Close, Stoke Golding should be granted.

8. Equality Implications

- 8.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; and
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 8.3 There are no known equality implications arising directly from this development.
- 8.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

9. Conclusion

- 9.1 Based on the facts of the case and the relevant planning law, the change of use of property at 4 Shenton Close, Stoke Golding to a dwelling where care is received (Use Class 3b) for one young person does not represent a material change in the use of the application site and therefore the Lawful Development Certificate should be granted for the proposed use in these site-specific circumstances. This conclusion is made on the basis of details provide by the Applicant, and as shown on the following documents received by the Local Planning Authority:

- Application Form (submitted: 26.02.2026)
- Design and Access Statement (submitted: 18.02.2026)
- Planning Statement (submitted: 09.03.2026)
- Site Location Plan (submitted: 18.02.2026)
- Floor Plans, Drg No. 5560.01 (submitted: 18.02.2026)

10. Recommendation

- 10.1 **Grant Certificate of Proposed Lawful Development**