



TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

PLANNING STATEMENT

Proposal: Application for a lawful development certificate for the change of use from Class C3(a) to Class C3(b)

Site: 56 Applebees Meadow, Hinckley, LE10 0FL

Applicant: Alpine4care Services

Ref:

Date: December 2023

CONTENTS

1.	INTRODUCTION	1
2.	LEGISLATION.....	1
3.	THE FACTS.....	4
4.	ASSESSMENT	7
5.	CONCLUSION	9

1. INTRODUCTION

- 1.1 This planning statement has been prepared by Alpine4care Services ('the applicant') to accompany a certificate of lawful development for the change of use of 56 Applebees Meadow, Hinckley, LE10 0FL ('the application site') from a Class C3(a) (dwellinghouse used by a single person or a family) to a Class C3(b) (dwellinghouse used by up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with emotional and behavioural difficulties) ('the proposal'). The proposal will provide care for 2 children with a maximum number of 3 carers on-site.
- 1.2 This planning statement should be read alongside the following drawings:
- Location Plan;
 - and
 - Application Forms.
- 1.3 The purpose of this statement is to demonstrate that the use of this property as a Class C3(b) use would not result in a material change of use from a Class C3(a) use.

2. LEGISLATION

The Town and Country Planning Act 1990

- 2.1 Section 336(1) defines "use" in relation to land as, not including the use of land for the carrying out of any buildings or other operations on it.
- 2.2 Section 192(1) provides that if any person wishes to ascertain whether any proposed use of buildings or other land is lawful or whether any operations which have been carried out in, on or under land are lawful he may make an application for the purpose to the local planning authority specifying the land and describing the use.
- 2.3 Section 192(2) advises that 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.
- 2.4 Section 192(3) requires this certificate to detail the specific land to which it relates, describe the use or operations in question, give the reasons for determining the use or operation to be lawful and specify the date of the application on the certificate.

- 2.5 Section 192(4) provides that 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 Practice Guidance (“the NPPG”)

- 2.6 The NPPG provides advice regarding how applications should be determined alongside the National Planning Policy Framework (NPPF).

What information must accompany an application for a lawful development certificate?

- 2.7 Article 39 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 specifies the contents of an application and how it must be submitted. The application must be accompanied by sufficient factual information/evidence for a local planning authority to decide the application, along with the relevant application fee. An application needs to describe precisely what is being applied for (not simply the use class) and the land to which the application relates. Without sufficient or precise information, a local planning authority may be justified in refusing a certificate. This does not preclude another application being submitted later on, if more information can be produced.

Who is responsible for providing sufficient information to support an application?

- 2.8 The applicant is responsible for providing sufficient information to support an application, although a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the planning status of the land. A local planning authority is entitled to canvass evidence if it so wishes before determining an application. If a local planning authority obtains evidence, this needs to be shared with the applicant who needs to have the opportunity to comment on it and possibly produce counter-evidence.

How is an application for a lawful development certificate determined?

- 2.9 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 application or appeal process. In determining an application for a prospective development under section 192 a local planning authority needs to ask *“if this proposed change of use has occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?”* A local planning authority may choose to issue a lawful development certificate for a different description from that applied for, as an alternative to refusing a certificate altogether. It is, however advisable to seek the applicant's agreement to any amendment before issuing the certificate. A refusal is not

necessarily conclusive that something is not lawful, it may mean that to date insufficient evidence has been presented.

The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010

2.10 The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 confirms in Part B of the Schedule that uses falling within Class C3 'Dwellinghouses' comprise of three subsections wherein uses can be interchangeable whilst remaining within this class. These areas are set out as:

- *“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 (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.*
- *C3(b): 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. a small religious community may fall into this section as could a homeowner who is living with a lodger.”*

3. THE FACTS

- 3.1 The application site comprises a 4-bed end of terrace building that is located towards the south of Hincley. The property is situated within a residential area which is typical of end terraced property. The site is prominent in terms of its locality and offerings.
- 3.2 The site is accessed from Applebees Meadow which leads onto parking at the rear of the site and one dedicated parking space at the front of the property; the parking in this case is completely paved with concrete and is accessible via Applebees Meadow. At present the building is used under Class C3(a).
- 3.3 The application site's is large enough to provide 2no. parking spaces one at the front and one at the rear of the property. An enclosed rear garden is situated towards the rear of the site and is only accessed via the property; the garden contains a shed for storage. It is important to note that on-street parking is also available along Applebees Meadow.
- 3.4 The property at utilise both the ground floor and first floor all for residential purposes. At ground level there would be a kitchen, dining area, toilet, and a living room which would be the largest of all the rooms. In terms of the first floor there would be a bathroom and 3no. bedrooms - all of which would range in different sizes. On the second floor would be the fourth bedroom which also has an ensuite shower and toilet.
- 3.5 As stated in the previous section of this statement the Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 splits Class C3 uses into three separate parts (parts 'a', 'b' and 'c') and enables the property to move between each use without the need planning permission. The property therefore currently falls within a Class C3(a) use but under these provisions could change to a Class C3(b) use to enable up to six persons to live together as a single household receiving care.

3.6 The applicant proposes to operate the premises as a residential institution use which falls within Class C3(b) which would provide accommodation for 2. children aged 8 - 18 and up to three staff working in the day and two sleeping in the night. A risk assessment would be undertaken to ensure that the residence is appropriate for the children.

3.7 The property would be run in the following manner:

- The home would provide accommodation for two children who would be cared for by trained carers 24 hours a day and 7 days a week. Care would be given in a communal environment with the children and their carers sharing facilities in a manner akin to a family with locks on bedroom doors. The locks would be thumb turn locks on the inside. Young people will have their own key and for emergency purposes staff members will have a spare.
- The children this proposal seeks to accommodate suffer from many challenges including emotional and behavioural difficulties or have experienced some sort of trauma in early life.
- We do not deliver personal or medical care to any children we will provide care and support too.
- The children and young people would have been admitted to the home due to family crisis/ breakdown, foster placement disruption, adoption breakdown.
- The property consists mainly of 4no. bedrooms, a bathroom, a kitchen, dining area and other rooms which would be incidental for domestic uses. In order to meet the full requirements of this scheme, this proposal seeks to utilise two of the bedrooms for staff (one for sleeping and the second room for use as an office) two bedrooms would be for the sole use of the children individually. All of the other rooms would be communal.
- The carers for the children would not be permanent residents but would work on a regular shift pattern (with a shift pattern of typically 2-on and 4-off ratio) in order to provide continuity with the children and create a family environment and bond with the children. The staff would work in 16 hour shifts to provide round-the-clock care. The day shift would be from 7am - 11pm.
- A maximum of two staff members would remain and work the night shift and the others would leave at 11pm and return back the next day at 7am. The staff numbers would range between 2 - 3 carers depending on the time of day. During the day there would be up to 3 carers on-site whereas during the night there would be 2 carers. The shift handover would typically be half an hour.

- One of the carers would be a more experienced member of staff in a senior role in order to meet the requirements of Ofsted regulations.
- An overall site manager (who would also manage a number of other existing care homes within the surrounding area) would also be present at times during the weekdays (potentially visiting the site on a daily basis). The manager would not be included in the staffing numbers and would not provide care to the children.
- The site manager would usually be present at the property anytime between 9am to 5pm each day to provide more senior input. The manager provides an over sight to the operations, safeguarding responsibility and deals with administration. They are a senior member of staff who are more qualified (i.e. hold a level 5 children's residential care qualification - whereas the other staff would hold a level 3 or 4 qualification). The manager would not be a resident of the property.
- The children would be cared for on a medium to long term basis in order for them to integrate properly into the community and build strong relationships with the carers and the environment.
- Training and meetings would be arranged off-site. The children would visit healthcare professionals off-site as per a normal family operation (i.e. doctors, dentists, etc.).
- Typically the children would visit their parents off-site however on some occasions there would be some home visits (when absolutely necessary).
- There would be two children cared by up to three staff members during the day. This is a standard arrangement throughout the home arrangement regardless of the level of care provided.
- Food would be cooked and served by the carers and the children would assist with cooking, typical of family home. .
- The children would attend school during the day and would utilise services and facilities in the surrounding area. At all times, the children would be accompanied by at least one carer.
- The home would be registered with Ofsted as a home for up to two children with emotional & behavioural difficulties (EBD) and/or learning difficulties.
- The applicant would employ carers in partnership with the local authority and in the area of Hinckley and Leicestershire. The applicant would be registered with Ofsted as the proprietor with the home registered for up to two children.

4. ASSESSMENT

- 4.1 The applicant proposes to operate the premises as a residential institution use. This use falls within Class C3(b). The use would not increase the number of residents within the dwelling as the scheme would provide accommodation for only two children between the ages of 8 to 18 years, and cared for by up to three carers in the day and two in the night plus a manager visiting on occasions. The proposed use would be a lower occupation than would be the case if the property remained as a dwellinghouse (i.e. with the ability for a standard family to have a greater number of offspring who could share bedrooms).
- 4.2 Waking night carers would be assessed in relation to the need of the young people we are supporting. If required a carer would be used to care for the children at night time whilst utilising one of the bedrooms as the staff office and with a second carer utilising the second bedroom for sleeping on site. One of the carers who will be awake during the night shift would administer care as and when required to the children who have care needs to be met. This is the best support option for those who also wake several times perhaps being disorientated or needing to go to the bathroom.
- 4.3 This would mean that there is a finite space to accommodate persons under the residential care home use. The other carer will utilise one of the bedrooms during the night shift and will be available to provide care when needed. During the hours carers working shifts from 7am - 11pm and 11pm - 7am.
- 4.4 As a result, at any time a maximum of six persons (3 carers, 2 children and 1 manager) would be present at the property and a minimum of four persons (2 carers and 2 child). This falls within the 6 person criteria as set out in Class C3(b).
- 4.5 The nature of these operations are not considered to result in a material change in the character of the dwelling, neither would it result in an impact on residential amenity or highway safety when compared to a standard Class C3(b) use (which the current Class C3(a) use could change to without planning permission). The Use Class Order makes no reference when describing activities which fall within Class C3(b) with regards to the requirement to whether or not a permanent residential carer is necessary in order for a care home of this nature to fall within Use Class C3(b), nor does it set out what the level of care provision should be.
- 4.6 The relatively modest nature of this house (that being a 4-bedroom property) would not facilitate the increase of the operations and number of residents above the level that would normally be expected to reside in a normal family home. Whilst the proposed use would include two children residents and up to three adult carers, as set out in the previous section of this statement, the activities and operations at this site would be very similar to that of a typical dwellinghouse with

vehicle movements associated with the use akin to a standard residential dwellinghouse (Class C3a).

- 4.7 The ethos behind the applicant's intended operations of this property would be for the residence to provide an environment as close as practically possible to normal family life in order to ensure that the children can live a life of normality in the local community. The applicant considers that such properties can offer a better environment than would be the case in larger institutions as they enable individual needs to be met and allow the children to integrate into their community and live as equal citizens. As a consequence, the whole structure of the operations are designed to ensure that the building functions as close as possible to a standard Class C3(a) use.
- 4.8 The carers would travel to and from the site (during the crossover of shift patterns) either by car or public transport. The site is located within a residential area south of Hlnckley. There is a regular bus route which is located towards the east of the application site. Therefore the movement of vehicles to and from the site would generally centre around the changeover of shifts (during 7am and 11pm) and would not result in operations that would be materially different to a normal residential situation wherein one would expect a similar level of vehicle movements throughout the day (and typically minimal movements during the night time).
- 4.9 Alpine4care Services are therefore of the view that the proposed use of the property as a Class C3(b) would not be considered to represent a material change of use when assessing the operations as a matter of fact and degree.

5. CONCLUSION

- 5.1 The application seeks the grant of a Certificate of Proposed Lawful Use in terms which recognise that the site, which is shown edged red on the Location Plan, can be used for a Class C3(b) use.
- 5.2 This statement clearly demonstrates that the proposed change of use of 56 Applebees Meadow, Hinckley, LE10 0FL to a Class C3(b) from its current use as a Class C3(a) would not result in a material change of use.
- 5.3 As a consequence it is considered that the proposal would not require the submission of a planning application and that a certificate of lawfulness should be issued in accordance in accordance with Section 192 of the Town and Country Planning Act 1990.

Prepared by Caitlyn James of Alpine4care Services.

December 2023