

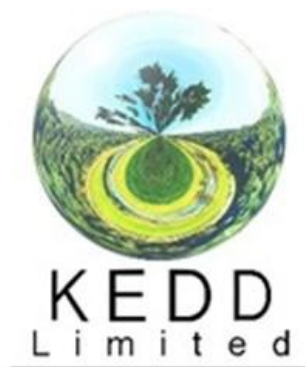
Planning Statement

Application for a Lawful Development Certificate for a
Proposed Use – Use of Dwelling House for the Care of a
Maximum of Three Children by Professional Carers

for

6 Aldin Way, Hinckley, Leicestershire, LE10 0GE

July 2025



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Appendix B – Ministerial Statement

Revision	Author	Checked by	Date
A	JAC	LT	25/07/2025

1 INTRODUCTION & DEVELOPMENT BACKGROUND

1.1 Overview

1.1.1 This Planning Statement (PS) has been prepared on behalf of the Applicant, Changing Lives Care Group, in support of an application for a Certificate of Lawful Development for the Change of Use of 6 Aldin Way, Hinckley from Residential Dwelling (C3) to Children's Care Home (C2) in accordance with the classifications provided in the Town & Country Planning Act Use Class Order (as amended).

1.1.2 Changing Lives Care Group provide residential placements for children and young people aged between eight and eighteen years. They are approved, registered and inspected by Ofsted. Changing Lives Care Group only provide long-term placements and as such do not provide temporary or respite care.

1.1.3 The below statement intends to address relevant considerations and fulfil the requirements of relevant legislation. The relevant legislation confirms that a formal Design and Access Statement is not required for this application to be validated. However, to assist the Council, this statement provides the following:

- Section 1 provides an introduction and background of the proposal and the relevant planning history of the application site;
- Section 2 provides a detailed site location and context;
- Section 3 provides a detailed description of the proposed development;
- Section 4 considers the Lawful Development Certificate;
- Section 5 details the relevant planning policies;
- Section 6 gives the planning assessment; and,
- Section 7 draws a conclusion on the above.

1.1.4 In addition to this Statement, the application comprises the following documents:

- Application Forms and Certificates; and,
- Location Plan.

1.2 Planning History

1.2.1 There is no publicly available planning history for the application site.

2 APPLICATION SITE

2.1.1 The Application Site, as illustrated on the Location Plan, is a detached two-storey dwelling accessed east off Aldin Way within the settlement of Hinckley. The property is bound immediately to the north, east and south by residential dwellings, and to the west by further properties on the opposite side of Aldin Way and Millais Road.

2.1.2 6 Aldin Way comprises an internal layout as follows:

- Ground Floor –
 - Lounge;
 - Office;
 - Kitchen / Breakfast Room;
 - Dining Room;
 - W/C; and,
 - Entrance Hall.
- First Floor –
 - Master Bedroom (including ensuite);
 - Three further bedrooms; and,
 - Shower Room.

2.1.3 In terms of the exterior, the property features offroad parking to the front, which can accommodate a minimum of 3 cars and a further car within the garage – please see image below.



3 THE APPLICATION DEVELOPMENT

- 3.1.1 It is proposed that the property be used as a Children's Care Home, accommodating up to a maximum of three children at any one time (aged between eight and eighteen years old). The registered use of the house would be as a children's care home pursuant to the Children's Act 2000 for children who fall within the Ofsted registration for "children with Emotional and/or Behavioural Difficulties."
- 3.1.2 The home will be a 'settled care project' and will aim, as far as possible, to present as a normal family home. There will be no physical changes to the external appearance of the property, with no signs or notices erected, and formal parking areas. The property will continue to present itself externally and internally as a typical dwelling house.
- 3.1.3 The children to be cared for will be those currently in the long-term care of the local authority and therefore may be experiencing some mild emotional and behavioural difficulties. The home will provide accommodation for these children on a long-term basis, ideally until they are ready to move to semi-independent homes or return home to their families. The home will not at any time provide emergency care.
- 3.1.4 The daily presence of up to three adults and up to three children in our view closely replicates normal family life in a residential area. The children would be taken to school by the staff members, just as any parent would.

3.2 Information about the emotional/behavioural difficulties of the children, their healthcare professional needs and their schooling requirements.

- 3.2.1 Changing Lives Care Group would like to offer some information on the various types of Ofsted registrations in order to lend some further clarity with regards to the emotional and/or behavioural difficulties of the children.
- 3.2.2 Ofsted registrations fall primarily into five main categories:
- children with emotional and/or behavioural difficulties (EBD);
 - children with physical disabilities (PD);
 - children with learning disabilities (LD);
 - children with mental disorders, excluding learning disability (MD); and,
 - children with sensory impairment (SI).
- 3.2.3 Statistically the vast majority of children's homes registered fall into the category of children with emotional and/or behavioural difficulties (EBD); this is the type of provision

that Changing Lives Care Group has a significant track record and specialises in. It is worth noting that children that become looked after through the care system are placed into care through no fault of their own, there is a multitude of reasons for them being looked after such as a lack of parental guardianship, or concerns raised about parental capacity etc.

- 3.2.4 There is a certain aspect of children/young people growing up that gives rise to emotional difficulties along the journey to adulthood, as is the same with every child; however, can you imagine the emotional toil that is experienced by a child/young person being in care? As such the child/young person may be experiencing mild emotional and/or behavioural difficulties, however they may not be displaying any at all, but would be accommodated in an EBD residential home as they do not fit within the categories of the other registration classes.
- 3.2.5 Through Changing Lives Care Group numerous years of experience in the sector, they are able to confidently affirm in the majority of circumstances the fundamental aspect in providing the child/young person a positive route of development is through providing a normal family setting, engrained with role models, values and a support system that assists in developing and meeting the exhibited potential of each young person into a capable and successful adult life. This is our aim for every young person with whom we have been entrusted.
- 3.2.6 Children placed at the home will be offered life opportunities that most of them would not otherwise enjoy. The location was chosen intentionally, to provide a life-changing opportunity for children who have suffered or are likely to have suffered significant harm because of early adverse childhood experiences.
- 3.2.7 The location would provide a sustainable environment for the home, with access to good schools, health and leisure activities, shops, and community facilities, and given the nature of the proposal of being up to three resident children, the home would not make a claim on those local resources, beyond that made by any household in a comparable four - bedroomed property with up to three children.
- 3.2.8 Changing Lives Care Group truly believe that it takes a community to raise children, especially children who for no fault of their own, have had difficult early life experiences.
- 3.2.9 The Children would visit healthcare professionals off-site as per a normal family environment i.e. (GP's, opticians and dentists). The children would attend local schools within the area, either mainstream schools or specialist education provisions. There will be no requirement for home schooling and the carers will take the children to and from school, akin to every family environment.

3.3 Typical Shift Patterns

- 3.3.1 Three children would reside at the property and there would be a maximum of three carers present in the day (07:00 to 22:00) and two carers at night (22:00 to 07:00). This shift pattern would provide key continuity of care and create a family environment and bonding. The site manager would normally visit the property between 09:00 and 17:00 on various days of the week in order to provide leadership oversight. There will no more than three carers in the premises at any one time.
- 3.3.2 Children would attend the local schools in the area, be that mainstream schools or specialist schools; carers will take these children to and from school in the normal fashion.

3.4 Visitation

- 3.4.1 Visitation will be minimal. These children do not require regular visits from social workers and clinicians, with most of these meetings, if they are required, taking place away from the home. All training and meetings would also be arranged off-site as it is felt that this is not conducive to a family environment. Ofsted inspectors would typically visit twice a year.
- 3.4.2 Given the nature of the children and the safeguarding requirements, these children are often those that have been removed from the family household and therefore any visits would be arranged to meet in a neutral location or at the family home with carers in attendance. Family visits are not typically a regular occurrence in order to provide a consistent care environment for the children and also in order to avoid upsetting the other children; this would take place on rare occasions, with the children generally visiting the homes of their family and friends' houses instead.
- 3.4.3 Changing Lives Care Group do not hold any professional meetings on-site as they believe this is not conducive to the family environment that they instil. There will not be any deliveries apart from the occasional supermarket grocery shopping delivery - just the same as any household.

3.5 Training requirements for staff

- 3.5.1 Changing Lives Care Group provide a comprehensive and industry leading induction programme that has been commended by both Ofsted and partner agencies. The training programmes provided are tailored to each individual and role, on average this encompasses forty areas of specialism that are individually certificated; including all Ofsted regulatory training requirements and mandatory as stipulated by the organisation. Ongoing development is also an area of significant priority whereby the organisation offers fully funded apprenticeship Level 4 and QCF Level 5 qualifications. A fundamental importance is placed on ensuring that each staff member is both highly skilled and confident in their role and responsibility.

3.5.2 An example of the courses undertaken are: Designated Safeguarding Lead (DSL), Level 6 (FHEQ) Understanding Autism, Asperger's and ADHD, RQF QA Level 3 Pediatric First Aid, Positive identity and self-esteem, Therapeutic parenting etc.

3.5.3 As set out above, all training would be arranged off-site as Changing Lives Care Group feel that this is not conducive to a family environment

3.6 Details of where records would be kept and where paperwork would take place

3.6.1 The only storage required would be a small lockable filing cabinet, this is because the vast majority of the reports and related documents are completed via a laptop and are contained within an internal cloud-based storage system.

3.7 Parking and Traffic Movements

3.7.1 In terms of car parking, the property has the potential to accommodate a minimum of 4 vehicles, which would exceed Changing Lives Care Group's needs.

3.7.2 Traffic movements will mostly coincide with other properties on the street with people going to work/school, and any mid-afternoon and night-time movements will happen at a typically quiet time of the day.

4 LAWFUL DEVELOPMENT CERTIFICATE CONSIDERATION

- 4.1.1 The key consideration in this case is whether the proposed use would constitute a Change of Use from a dwelling house to a residential institution and, fundamentally, whether this Change of Use would be material (and therefore require Planning Permission).
- 4.1.2 In our view, there is a Change of Use occurring in this proposal, but the Change of Use is not material and therefore should not require Planning Permission. Our reasons are set out in the following paragraphs.
- 4.1.3 We have carried out a careful assessment of Government advice and case law. This leads us to conclude that by virtue of the working arrangements and shift pattern of the carers that a change of use would occur in this case (case law suggests a change of use would in this case mainly be based upon the working arrangements of the carers). However, the circumstances of this case and the content of recent case law indicates strongly that, whilst there is a change of use, the change would not be material, as the intensity of the use would not be significantly greater than a family home, and, therefore, Planning Permission would not be required for this level of change.
- 4.1.4 In coming to this view, we have considered carefully the approach being taken to the use of this property and set that against recent approvals, including within Hinckley & Bosworth Borough Council (Application No. 23/00385/CLP) for Changing Lives Care Group by; Derby City Council (Application Nos: 25/00813/CLP, 24/00036/CLP, 23/00409/CLP, 23/01340/CLP and 25/00813/CLP), Nuneaton and Bedworth Borough Council (Application No. 040057), Leicester City Council (Application No's: 20201064 and 20210071), North West Leicestershire District Council (Application No. 25/00695/CLP) and Melton Borough Council (Application No. 25/00478/CL) (All attached at **Appendix A**), which is the same operation as proposed by this application and operated by Changing Lives Care Group.
- 4.1.5 Further to the above decisions, we would also draw to your attention the ministerial statement made by the then Minister of State for Housing and Planning Rachel Maclean MP on 23 May 2023 in relation to 'Planning for accommodation for looked after children' (**Appendix B**). This statement set out the Government's commitment to support the development of accommodation for looked after children, and its delivery through the planning system.
- 4.1.6 The statement goes on to state that "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 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. 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".

- 4.1.7 It is our view that the care being provided, and the housing arrangements are aimed at providing these children with a household environment that would be very similar to a typical family home. The daily presence of three adults (and up to three children maximum) in our view closely replicates normal family life in a residential area. The external appearance and layout of the property will remain the same as the dwelling house use. The internal layout and accommodation would be no different from any other family home.
- 4.1.8 The Use Classes Order and the need for Planning Permission to be obtained for certain changes of use from one category to another is based upon the nature of the use, levels of intensity and potential scale of the use and therefore the potential impacts that might result from certain uses. The change that we have considered in this case involves so little change in nature or increase in intensity/scale beyond the use of a typical family home cannot be considered a material change in use.

5 PLANNING POLICY / DEVELOPMENT CONSIDERATIONS

5.1 Introduction

- 5.1.1 Whilst policy considerations are not required for a Lawful Development Certificate (LDC), consideration to policy has been provided to demonstrate the acceptability of the proposals, regardless of the LDC provisions.
- 5.1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.1.3 The Development Plan in this instance comprises the following Local Plan:
- Hinckley and Bosworth Core Strategy (December 2009);
 - Hinckley and Bosworth Site Allocations and Development Management Policies DPD; and,
 - Emerging Hinckley and Bosworth Consultation Draft Local Plan (Regulation 18) 2020-2041.
- 5.1.4 The following section is a summary of the policies which are pertinent to this planning application.

5.2 Development Plan

Hinckley and Bosworth Core Strategy (December 2009)

- 5.2.1 The Core Strategy provides the over-arching strategy and long term vision for Hinckley & Bosworth, whilst other Development Plan Documents (including the Site Allocations and Management Policies DPD) implement the strategy and vision contained within the Core Strategy.
- 5.2.2 The following Core Strategy policies are relevant to the proposed development:
- Policy 1: Development in Hinckley.

Hinckley and Bosworth Site Allocations and Development Management Policies DPD

- Policy DM1: Presumption in Favour of Sustainable Development;
- Policy DM10: Development and Design;
- Policy DM17: Highways and Transportation; and,
- Policy DM18: Vehicle Parking Standards.

Emerging Hinckley and Bosworth Consultation Draft Local Plan (Regulation 18) 2020-2041

- 5.2.3 The Emerging Local Plan for Hinckley and Bosworth is at Regulation 18 stage, which is a step back from its previous progress, as the emerging plan in its previous iteration was potentially undeliverable. The Emerging Local Plan is at an early stage of development.

5.3 Material Considerations

National Planning Policy Framework (December 2024)

- 5.3.1 In addition to the Adopted Local Development Plan Documents referenced above, the National Planning Policy Framework (NPPF) (December 2024) is an important material consideration when determining planning applications. Section 5 details delivering a sufficient supply of homes, with dwellings suitable for “looked after children” being a consideration at paragraph 63.

6 PLANNING ASSESSMENT

- 6.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the determination of this application to be made in accordance with the development plan, unless material considerations indicate otherwise.
- 6.1.2 The proposed Change of Use is from C3 to C2, specifically to be operated as a children's residential care home. The section below considers the potential impacts of the proposed development against the policies referenced above.

6.2 Principle of Development

- 6.2.1 The site is located within an established residential estate within Hinckley. The current use of the property being residential in nature (Class C3) will not change as a result of this Class C2 use, as the purpose of the children's residential care home is that it provides an environment reflective of a typical family home with a small number of resident children and dedicated carers. Furthermore, due to the nature of the use, there will be no loss to the local housing stock.

6.3 Residential Amenity

- 6.3.1 The property is already set up as a family home, with ample communal living space to the ground floor and sufficient number of bedrooms to the first floor to accommodate three children and provide overnight accommodation for the care staff to use.
- 6.3.2 The property benefits from a shared first floor Shower Room and ensuite, as well as a downstairs W/C.
- 6.3.3 No amendments are required to the layout to accommodate the proposed use, therefore the property will remain reflective of the character of a C3 use class property, ensuring children are provided with an stable family home environment. Whilst there will be visitation, namely from Ofsted and Social Workers, this will not be at rates more frequent to family / friends visiting a typical family home. No amendments are proposed externally, or to the layout of the property.
- 6.3.4 Finally, there is garden space to the rear of the property providing recreational outdoor space to be utilised by the occupants. This is deemed sufficient when considering health and wellbeing of the children who will reside there.
- 6.3.5 With regard to residential amenity the development is deemed to be in accordance with Policy DM10 of the DPD.

6.4 Neighbouring Amenity

- 6.4.1 As stated above, the application property is detached. The nearest neighbours to the site include residential dwellings to the north, east and south, as well as the residential properties on the opposite side of Aldin Way to the west. The proposed levels of vehicle movements and activity

attributed to the property will not be significantly different to that attributed to a typical family residential four bedroom home. The children will attend school during the week in the same manner as any other family, with carers undertaking all day / all night shifts as opposed to on and off shifts throughout the day, therefore limiting the number of comings and goings to the property.

- 6.4.2 It is not considered that the levels of activity to and from the property would be to a level that would result in significant noise and disturbance to the occupiers of surrounding dwellings given the proposed times/lengths of the shift changes/shifts.
- 6.4.3 No amendments are proposed to the exterior elevations or layout which would result in visual amenity impacts to neighbours.
- 6.4.4 The development is therefore compliant with amenity considerations of Policy DM10 of the DPD.

6.5 Highway Impact / Parking

- 6.5.1 The application site has sufficient parking space for at least 3 cars within the driveway to the front of the property and a further car within the integral garage. This exceeds the requirements set for Class C2 within the Council Car Parking Standards which requires only 3 spaces to be compliant with 4 bedroom properties. It is proposed that there will be three carers in total, with one working nightshift, therefore it is only likely three spaces will be required at any one time. Parking is therefore compliant with Policy DM18 of the DPD.
- 6.5.2 Policy DM17 of the DPD seeks to encourage development which promotes greater travel choices i.e. cycling, walking and / or public transport. There is a bus stop within 230m of the application property providing services to Nuneaton and Hinckley. The site is therefore in a sustainable location in line with the objectives of policy.

7 CONCLUSIONS

- 7.1.1 This Lawful Development Certificate has been submitted to facilitate the operation of a Children's residential care home at 6 Aldin Way, Hinckley which falls under Use Class C2. The property is currently used as a residential dwelling under Use Class C3.
- 7.1.2 Changing Lives Care Group provide residential placements for children and young people aged between eight and eighteen years. They are approved, registered and inspected by Ofsted. Changing Lives Care Group only provide long-term placements and as such do not provide temporary or respite care.
- 7.1.3 The application property would provide residential care for three children on a long-term basis, with the assistance of three carers, who would split shifts between at most three on day-shifts and two night-shifts. The facility is designed to operate similar to a typical family home dynamic, with movement and visitation patterns reflective of this.
- 7.1.4 The property benefits from a driveway with sufficient space for at least three cars and a garage providing an additional space, which is more than adequate for the use. No amendments are required to the internal or external layout of the property to facilitate the proposed change of use.
- 7.1.5 Recent examples have been detailed in Section 4 which are comparable to the proposed development. This includes acceptance within Hinckley and Bosworth Borough Council (Application No. 23/00385/CLP). Whilst consideration of planning policy isn't required as part of a Lawful Development Certificate, Section 6 demonstrates compliance with relevant policy of the Local Plan. As the development is demonstrated to be policy compliant, it can be concluded that the application constitutes sustainable development as required by Policy 1 of the Core Strategy and Policy DM1 of the DPD.
- 7.1.6 Changing Lives Care Group have a proven track record in successfully operating developments of this nature, and the proposal is demonstrated to be policy compliant. It is therefore respectfully requested that a Lawful Development Certificate be granted for the proposed development.

Appendix A – Application Approvals



Derby City Council

Mr Liam Toland
Liam Toland Planning
1 Belfield Gardens
Long Eaton
NG10 1HB

Certificate Of Lawful Use Or Development

Town and Country Planning Act 1990: Sections 192 (as amended)

Part 1: Application Details

Application No: 24/00036/CLP (please quote in correspondence)
Location: 135 Morley Road Derby DE21 4QY
Proposal: Use of dwelling house for the care of a maximum of three children by professional carers

Part 2: Decision

Derby City Council hereby certify that on 16/02/2024 the use described in Part 1 of this certificate in respect of the location specified in Part 1, and edged red on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) for the reasons given in part 3.

Part 3: Reason for Decision

The use of a residential dwelling, 135 Morley Road, Derby, to provide a home for a maximum of three children looked after by professional carers working on a shift basis would not, in this particular case, constitute a material change of use that would require planning permission.

With the following limitations -

No more than three children to be resident at the premises at any one time

No more than three carers and a manager to be present at any time (excluding shift change over times and visits from other professionals as required.)

Signed:

Paul Clarke
Authorised Officer of the Council

Date: 23/04/2024

See over for informative notes >

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Part 4: Informative Notes to Applicant

1. As this area of the city falls within a defined flood zone the operators are recommended to sign up to the Environment Agency flood Alerts to warning of possible flood events.

<https://www.gov.uk/sign-up-for-flood-warnings>



Derby City Council

Mr Liam Toland
Liam Toland Planning
1 Belfield Gardens
Long Eaton
NG101HB

Certificate Of Lawful Use Or Development

Town and Country Planning Act 1990: Sections 192 (as amended)

Part 1: Application Details

Application No: 23/00409/CLP (please quote in correspondence)

Location: 18 Foxdell Way, Derby, DE73 6PU

Proposal: Use of dwelling house for the care of a maximum of three children by professional carers

Part 2: Decision

Derby City Council hereby certify that on 31/03/2023 the use/development described in Part 1 of this certificate in respect of the location specified in Part 1, and edged red on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) for the reasons given in part 3.

Part 3: Reason for Decision

1. The use of a residential dwelling (Use Class C3), 18 Foxdell Way, Derby, to provide a home for a maximum of three children looked after by professional carers working on a shift basis would not, in this particular case, constitute a material change of use that would require planning permission.

With the following limitations -

1. No more than three children to be resident at the premises at any one time
 2. No more than three carers to be present at any time (excluding shift change over times and visits from other professionals)
 3. The additional area of hard standing at the front of the property for vehicle parking shall be completed before the use comes into operation.
-

Development Control, Communities and Place, The Council House, Corporation Street, Derby, DE1 2FS
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Derby City Council

Mr Liam Toland
Liam Toland Planning
1 Belfield Gardens
Long Eaton
NG101HB

Certificate Of Lawful Use Or Development

Town and Country Planning Act 1990: Sections 192 (as amended)

Part 1: Application Details

Application No: 23/01340/CLP (please quote in correspondence)

Location: 9 Kingsclere Avenue, Derby, DE21 2QH

Proposal: Use of dwelling house for the care of a maximum of three children by professional carers.

Part 2: Decision

Derby City Council hereby certify that on 28/09/2023 the use/development described in Part 1 of this certificate in respect of the location specified in Part 1, and edged red on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) for the reasons given in part 3.

Part 3: Reason for Decision

1. The use of a residential dwelling, 9 Kingsclere Avenue Derby, to provide a home for a maximum of three children looked after by professional carers working on a shift basis would not, in this particular case, constitute a material change of use that would require planning permission.

With the following limitations -

No more than three children to be resident at the premises at any one time

No more than three carers to be present at any time (excluding shift change over times and visits from other professionals)

Signed:

Paul Clarke
Authorised Officer of the Council

Date: 22/11/2023

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www.derby.gov.uk

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Derby City Council

Mr Liam Toland
Kedd Limited
Regus House
12-22 Newhall Street
Birmingham
B3 3AS

Certificate Of Lawful Use Or Development

Town and Country Planning Act 1990: Sections 192 (as amended)

Part 1: Application Details

Application No: 25/00813/CLP (please quote in correspondence)
Location: 83 Brisbane Road Derby DE3 9LR
Proposal: Use of dwelling house for the care of a maximum of three children by professional carers

Part 2: Decision

Derby City Council hereby certify that on 08/05/2025 the use/development described in Part 1 of this certificate in respect of the location specified in Part 1, and edged red on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) for the reasons given in part 3.

Part 3: Reason for Decision

The use of a residential dwelling, 83 Brisbane Road, Derby, to provide a home for a maximum of three children looked after by professional carers working on a shift basis would not, in this particular case, constitute a material change of use that would require planning permission.'

With the following limitations -

No more than three children to be resident at the premises at any one time.

Not more than three members of staff to be present except at times of shift changes, visits from manager and other occasional visitors.

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Signed:

A handwritten signature in black ink, appearing to read 'P. Clarke', with a stylized flourish underneath.

Paul Clarke

Authorised Officer of the Council

Date: 23/07/2025



TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192

(as amended by section 10 of the Planning and Compensation Act 1991)

**The Town and Country Planning (Development Management Procedure) (England)
Order 2015 : Article 39**

CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR DEVELOPMENT

Nuneaton and Bedworth Borough Council hereby certifies that on 3rd May 2024 the development described in the First Schedule hereto ("the Proposed Development") in respect of the land specified in the Second Schedule hereto ("the Land") would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The Proposed Development does not constitute development constituting a material change of use as defined in s.55 of the Town and Country Planning Act 1990.

Signed

Matthew Wallbank, Assistant Director –Democracy & Governance and authorised officer of Nuneaton and Bedworth Borough Council, Town Hall, Nuneaton, CV11 5AA (ref. X443-294)

Date 3rd May 2024

FIRST SCHEDULE

THE PROPOSED DEVELOPMENT

The proposed change of use of dwellinghouse (Class C3a) to a residential care home (Class C2) for up to three children or young people with three carers in shift patterns of a maximum of three carers present in the day (from 07:00 to 22:00) and two carers at night (from 22:00 to 07:00) as set out in the covering letter attached to this certificate dated 15th Jan 2024 and the floorplan attached and given Council reference 040057/WE.

SECOND SCHEDULE

THE LAND

The land and buildings known 19 Abingdon Way Nuneaton Warwickshire CV11 6DX as shown edged red on the location plan attached to this Certificate marked as Location Plan dated 15th Jan 2024.

See Notes (1-4) attached

1 This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990 (as amended).

2 It certifies that the development specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful, on the specified date and, thus, would not have been liable to enforcement action under section 172 of the 1990 Act on that date.

3 This certificate applies only to the extent of the development described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any development which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

4 The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

Hinckley & Bosworth Borough Council

Town and Country Planning Act 1990 Section 192
Town and Country Planning (Development Management Procedure)
(England) Order 2015

CERTIFICATE OF LAWFUL PROPOSED USE

Name and Address of Applicant

Changing Lives Care Group
C/O Liam Toland Planning

Name and Address of Agent (if any)

Mr Liam Toland
Liam Toland Planning
1 Belfield Gardens
Long Eaton
NG10 1HB

Part I - Particulars of Application

Date of Application

20 April 2023

Application No.

23/00385/CLP

First Schedule

Description of Development

Use of a dwellinghouse (C3) to a childrens care home (use class C3(b))

Second Schedule

16 Hardy Close Hinckley Leicestershire LE10 1PF

Part II - Particulars of decision

The Hinckley & Bosworth Borough Council hereby certify:

That on 20 April 2023 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red line on the plan attached to this certificate, would be lawful within the meaning of section 192 of the Town and Country Planning Act 1990 for the following reason:-

1. The proposed use of the property as C3(b) - dwellinghouse occupied by not more than six residents living together as a single household where care is provided for residents - does not constitute a material change of use under The Town and Country Planning (Use Classes) Order 1987 (as amended).

The determination is based on the submitted details:

- Application Form
- Covering Letter
- Site Location Plan

C. Brown

Christopher Brown MRTPI
Planning Manager (Development Management)

Date : 16th June 2023

CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR DEVELOPMENT

Applicant:

Mrs Rajshri Odedra
Office 7
35-37 Ludgate Hill
London
EC4M7JN

Agent (if any):

Mr Joel Jessup
Heatons
9 The Square
Keyworth
Nottingham
NG12 5JT

PART 1 - PARTICULARS OF APPLICATION - no: 20201064

DATE OF APPLICATION: 18 June 2020
LOCATION OF PROPOSAL: 18 Treetops Close
DETAILS OF PROPOSAL: Use as dwelling house (Class C3(b)) where care is provided for residents

PART 2 - PARTICULARS OF DECISION

Town and Country Planning Act 1990 (Section 192) (as amended)
Town and Country Planning (Development Management Procedure) (England)
Order 2015

Leicester City Council hereby certify that on the Date of Application specified in Part 1 above, and in respect of the land specified as 'Location of Proposal' in Part 1 above and EDGED on the plan attached to this Certificate, the 'Details of Proposal' as described in Part 1 above WOULD HAVE BEEN LAWFUL within the meaning of Section 191 of the Town & Country Planning Act 1990 (as amended), for the following reasons:

NOTES FOR APPLICANT

1. The use of a dwellinghouse as a children's care home pursuant to the Children's Act 2000 for children who fall within the Ofsted registration for children with Emotional and/or Behavioural Difficulties (previous wording: "children with learning disabilities"), and that:
 - (1) no more than three children are receiving care at any one time;
 - (2) the children in care are aged from 8 to 18 years old;
 - (3) with the exception of shift changeover there are no more than
 - (a) three staff on duty between 07:00 and 08:00 to prepare the children for school or between 17:00 and 22:30, unless exceptionally a further member of staff is required to meet individual needs
 - (b) no more than three staff on duty at weekends and

Date: 27 August 2020



Head of Planning

- (c) normally no more than one waking staff at night to provide support to the children with a further member of staff sleeping in who would be available should further assistance be required;
- (4) no room is used principally as an office; (to reflect that whilst no room is to be used principally as an office, necessary small management meetings will take place)
- (5) no more than three vehicles are parked at or around the home at any one time;
- (6) no activity in relation to staff vehicle movements takes place before 07.00 or after 23.00.

The Council has granted a Certificate Of Lawfulness of Proposed Use Or Development.

This Certificate is issued solely for the purpose of Section 191/192 of the Town and Country Planning Act 1990 (as amended). It certifies that the use/operations/matter specified in Part 1 as "Details of Proposal", proposed to take place on the land specified in Part 1 as "Location of Proposal" would have been lawful on the Date of Application, and thus would not have been liable to enforcement action under Section 172 of the 1990 Act on that date.

This Certificate applies only to the extent of the use/operations/matter and to the land specified in Part 1, and identified on the attached plan. Any use/operations/matter which is/are materially different from that/those described or which relate/s to other land may render the owner or occupier liable to enforcement action.

The effect of the Certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters determining such lawfulness.

Date: 27 August 2020


Head of Planning

CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR DEVELOPMENT

Applicant:

c/o Heatons
Changing Lives Care Group
9 The Square
Keyworth
Nottingham
NG12 5JT

Agent (if any):

Mr Liam Toland
Heatons
9 The Square
Keyworth
Nottingham
NG12 5JT

PART 1 - PARTICULARS OF APPLICATION - no: 20210071

DATE OF APPLICATION: 12 February 2021
LOCATION OF PROPOSAL: 63 Aylestone Drive
DETAILS OF PROPOSAL: Certificate of proposed development for Use as dwelling house (Class C3(b)) where care is provided for residents

PART 2 - PARTICULARS OF DECISION

Town and Country Planning Act 1990 (Section 192) (as amended)
Town and Country Planning (Development Management Procedure) (England)
Order 2015

Leicester City Council hereby certify that on the Date of Application specified in Part 1 above, and in respect of the land specified as 'Location of Proposal' in Part 1 above and EDGED on the plan attached to this Certificate, the 'Details of Proposal' as described in Part 1 above WOULD HAVE BEEN LAWFUL within the meaning of Section 192 of the Town & Country Planning Act 1990 (as amended), for the following reasons:

NOTES FOR APPLICANT

The Council has granted a Certificate Of Lawfulness of Proposed Use Or Development.

This Certificate is issued solely for the purpose of Section 191/192 of the Town and Country Planning Act 1990 (as amended). It certifies that the use/operations/matter specified in Part 1 as "Details of Proposal", proposed to take place on the land specified in Part 1 as "Location of Proposal" would have been lawful on the Date of Application, and thus would not have been liable to enforcement action under Section 172 of the 1990 Act on that date.

This Certificate applies only to the extent of the use/operations/matter and to the land specified in Part 1, and identified on the attached plan. Any use/operations/matter which is/are materially different from that/those described or which relate/s to other land may render the owner or occupier liable to enforcement action.

The effect of the Certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters determining such lawfulness.

Date: 30 April 2021



Head of Planning

Changing Lives Care Group
c/o Mr Liam Toland
Kedd Limited
Regus House
12-22 Newhall Street
Birmingham
B3 3AS

Application reference 25/00695/CLP

**Registered 9 May 2025
Decision Date 1 July 2025**

CERTIFICATE OF LAWFULNESS OF PROPOSED USE

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192 (as amended)

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER
2015: ARTICLE 39**

**Certificate of lawful proposed use for the change of use from C3 dwelling to C2
residential children's care home for a maximum of three children. at 24 Spencer View
Ellistown Coalville Leicestershire**

- 1 North West Leicestershire District Council hereby certify that on 9 May 2025, the proposed development described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and illustrated on Location Plan received by the Local Planning Authority on 9 May 2025 would be lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The use, whilst falling within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended), would not represent a material change from the authorised use of the site as a Class C3 dwellinghouse.

First Schedule

Change of use from C3 dwelling to C2 residential children's care home for a maximum of three children.

Second Schedule

24 Spencer View, Ellistown, Coalville,

Signed:



**Jenny Davies
Planning and Development Team Manager
Proper Officer of the Council**

Notes:

1. This Certificate is issued solely for the purposes of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and, thus, was not liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This Certificate applies only to the extent of the use described in the First Schedule and the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the Certificate is also qualified by the proviso in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use of operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

TOWN AND COUNTRY PLANNING ACT 1990 Sections 191 and 192 (as amended)

The Town and Country Planning, (Development Management Procedure) (England) Order 2015 Article 39

Certificate of Lawful Use or Development (Proposed)

Name and Address of Applicant

Changing Lives Care Group
Kedd Limited
Regus House
12-22 Newhall Street
Birmingham
B3 3AS
United Kingdom

Name and Address of Agent (if any)

Kedd Limited
Mr Liam Toland
Regus House
12-22 Newhall Street
Birmingham
B3 3AS
United Kingdom

Date of Application:

08.05.25

Application No:

25/00478/CL

Particulars and location of development:

Lawful Development Certificate for the proposed use of existing dwellinghouse for the care of a maximum of three children/young people by professional carers (Use Class C2)

1 Newport Avenue Melton Mowbray Leicestershire LE13 1TP

The **Melton Borough Council** hereby certify that on the 08.05.25 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan attached to this Certificate, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) for the following reason[s]:

1. A Certificate of Lawfulness for Proposed Development is granted as follows:
 - (i) Site: 1 Newport Avenue, Melton Mowbray, Leicestershire, LE13 1TP
 - (ii) For: Use of the existing dwellinghouse for the care of a maximum of three children/young people by professional carers (Use Class C2)

Reason: Based on the facts of the case, including the business model put forward and the number of children (three children/young people between the ages of 8-18) and non-resident staff that would provide care (maximum of three at any one time during the day and two overnight), the proposed use of the property as a small scale children's care home would not result in a material change of use of the property.

Signed



pp

L. Parker
Planning Development Manager
Date: 18.07.25

Appendix B – Ministerial Statement

Written questions, answers and statements

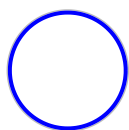
UK Parliament > Business > Written questions, answers and statements > Find written statements > HCWS795

Planning for accommodation for looked after children

Statement made on 23 May 2023

Statement UIN HCWS795

Statement made by



Rachel Maclean

Minister of State for Housing and Planning

Conservative

Redditch



Commons

Statement

I, with the support of my Rt Hon colleague the Secretary of State for Education, wish to set out the Government's commitment to support the development of accommodation for looked after children, and its delivery through the planning system.

The planning system should not be a barrier to providing homes for the most vulnerable children in society. When care is the best choice for a child, it is important that the care system provides stable, loving homes close to children's communities. These need to be the right homes, in the right places with access to good schools and community support. It is not acceptable that some children are living far from where they would call home (without a clear child protection reason for this), separated from the people they know and love.

Today we use this joint statement to remind Local Planning Authorities that, as set out in paragraph 62 of the National Planning Policy Framework, local planning authorities should assess the size, type and tenure of housing needed for different groups in the community and reflect this in planning policies and decisions. Local planning authorities should consider whether it is appropriate to include accommodation for children in need of social services care as part of that assessment.

Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country. It is important that prospective applicants talk to local planning authorities about whether their service is needed in that locality, using the location assessment (a regulatory requirement and part of the Ofsted registration process set out in paragraph 15.1 of the Guide to the Children's Homes Regulations) to demonstrate this.

To support effective delivery, unitary authorities should work with commissioners to assess local need and closely engage to support applications, where appropriate, for accommodation for looked after children as part of the authority's statutory duties for looked after children. In two tier authorities, we expect local planning authorities to support these vital developments where appropriate, to ensure that children in need of accommodation are provided for in their communities.

Children's homes developments

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 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. 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.

Statement from

Department for Levelling Up, Housing and Communities



Linked statements

This statement has also been made in the House of Lords

Department for Levelling Up, Housing and Communities



Planning for accommodation for looked after children



[Baroness Scott of Bybrook](#)

Minister for Faith and Communities

Conservative, Life peer

Statement made 23 May 2023

HLWS780

Lords