

DELEGATED DECISION REPORT

HPK/2023/0050
Valid 27/02/2023

202 BEECHWOOD HOUSE
WOOLLEY BRIDGE ROAD
HADFIELD
GLOSSOP

CERTIFICATE OF
LAWFULLNESS FOR
PROPOSED USE A
COMMERCIAL PROPERTY
WHICH IS CURRENTLY USED
AS A RESIDENTIAL CARE
SETTING TO CONTINUE
USING THE SETTING AS A
CARE PROVISION FOR
CHILDREN AND YOUNG
ADULTS WITH SPECIAL
NEEDS, AUTISM AND
LEARNING DISABILITIES

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

- Whether the development constitutes a change of use.

DESCRIPTION OF SITE

The application relates to a detached property located in Hadfield. The property is located off Wooley Bridge Road and was formerly known as Beechwood House Residential Care Home. The Residential Care Home provided care for the elderly (over 65).

PROPOSAL

The application is for a lawful development certificate to ascertain whether the use of the premises as a care home for children and young adults with special needs, autism and learning difficulties requires planning permission for change of use. No external alterations are proposed.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

The Town and Country Planning (Use Classes) Order 1987 (as amended).

This is an application for a certificate of lawfulness; the planning merits of the application are not relevant.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None relevant

CONSULTATIONS

Publicity

Site Notice expiry date: N/A

Neighbour consultation period ends: N/A

Press Advert: N/A

Public Comments

None received

Town / Parish Comments

N/A

OFFICER COMMENTS

The former use of the property was for an eight bedroomed residential home for older people over the age of 65 who required nursing and/or personal care. The occupiers did not form a single household. The applicants agent has incorrectly identified the previous use class as being C3 whereas the LPA consider that the use described fell within the parameters of Use Class C2 Residential Institution, as categories of Class C3 require the occupiers to be living together as a single household.

The certificate seeks confirmation that the use of the premises as a care home for children and young adults with special needs, autism and learning disabilities does not require an application for planning permission.

Depending on the circumstances of each case, a children's home will fall into either a C2 or C3 use classification.

Use Class C2 (Residential Institutions) of the above Order reads as follows:

- Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).
- Use as a hospital or nursing home.
- Use as a residential school, college or training centre.

Use Class C3 (Dwelling houses) reads as follows:

Use as a dwelling house (whether or not as a sole or main residence)

by —

(a) a single person or by people to be regarded as forming a single household;

- (b) not more than six residents living together as a single household where care is provided for residents; or
- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

The proposed use would provide a seven bedroomed property as well as a staff sleeping area. The property would be used for the provision of residential accommodation and care to children in need with carers who work for RKM Care Services (applicant company) and sleep over but do not use the property as their main residence.

In addition, in the well-known case of North Devon District Council v The First Secretary of State and Southern Childcare QBD [2003] JPL 1191, the Court said that two children (aged between 10 and 17), supported by non-resident carers, could not constitute a household for the purposes of Use Class C3(b). Collins J said a household needed more than just children, as children “needed to be looked after and they cannot run a house. They could not be expected to deal with all the matters that go to running a home. Children are regarded as needing full-time care from an adult to make sure that a household operates as it should” As such it would be used as a C2 institution.

As such it is considered that planning permission would not be required as the use would remain C2 (Residential Institution) and therefore it is recommended accordingly.

CONCLUSION / PLANNING BALANCE

That the lawful development certificate be granted.

OFFICER RECOMMENDATION : Granted

Case Officer: Rebecca Bowers

Recommendation Date: 12.02.2024

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council