

PLANNING STATEMENT

Lawful Development Certificate for Change of Use from C3(a) to C3(b) Adult Supported Housing

41 Cemetery Road, Heckmondwike, Kirklees, WF16 9DZ

Client : Abov & Beyond Extra Care

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Contents

1. Introduction
2. Kirklees and National Planning Policies Supporting Care Home Applications
3. Site Description
4. Existing and Proposed Use
5. Legal Framework
6. Supporting Guidance and Use Classes Order
7. Assessment of Material Change of Use
8. Conclusion

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Planning Statement for Lawful Development Certificate: 41 Cemetery Road

Section 1: Introduction

This planning statement has been prepared to support an application for a Lawful Development Certificate for the proposed change of use of 41 Cemetery Road, Heckmondwike, West Yorkshire. The proposal seeks to convert the existing property class C3(a) into an adult care home under use class C3(b). This statement aims to establish that the proposed change of use does not constitute "development" as defined by Section 55 of the Town and Country Planning Act 1990, and therefore does not require planning permission.

The following assessment provides a comprehensive review of the existing and proposed uses, a detailed examination of the legal framework, and an evaluation of potential impacts on the surrounding area. The aim is to demonstrate that the proposed use is compatible with the current residential character of the property and its environment. The document also explores applicable policies, operational details, and relevant precedents to ensure that the proposed use is fully justified within the planning framework.

Section 2 : Kirklees and National Planning Policies Supporting Care Home Applications

The sources provide several planning policies, both national and local, that can support an application for a care home, particularly under the C3(b) use class:

- **National Planning Policy Framework (NPPF):** The NPPF emphasises a positive and creative approach to sustainable development. Converting an existing dwelling into a care home aligns well with several principles within the NPPF:
 - **Repurposing Existing Buildings:** The NPPF encourages using existing buildings for new purposes, especially when it meets local needs and promotes efficient land use.
 - **Meeting Local Needs:** The NPPF stresses meeting local needs, including housing and care for specific groups like the elderly. A well-planned care home can demonstrably address these needs.
 - **Supporting Small Sites:** The NPPF encourages the development of small sites, which are often suitable for smaller-scale care facilities integrated within residential areas.
- **Kirklees Local Plan:** The Kirklees Local Plan provides specific policies relevant to care home development:
 - **Policy LP2 (Place Shaping):** This policy requires that development proposals enhance the character of the surrounding area. Emphasising how the care home will respect and integrate with the existing residential character, especially through appropriate design, is crucial.
 - **Policy LP3 (Location of New Development):** This policy guides the location of new development and can be used to justify the siting of a care home in a residential area. Highlighting the suitability of the chosen location in terms of access to local services, amenities, and transport links strengthens the application.
 - **Policy LP11 (Housing Mix and Affordable Housing):** This policy encourages the provision of housing for a mix of household types and needs, including specialist accommodation

for groups like the elderly. The care home caters to these specific needs, fulfilling this policy objective.

- **Policy LP48 (Community Facilities and Services):** This policy addresses the potential loss of community facilities and emphasises the importance of providing valuable community services. The proposed care home offers a vital service to the local community by supporting the well-being of vulnerable adults.

The Kirklees Local Plan also underscores the need for a five-year supply of housing land, including specialist accommodation. Highlighting the contribution of the care home to this supply further supports the application.

Section 3: Site Description

41 Cemetery Road is a substantial Victorian detached property situated within a residential area of Heckmondwike, West Yorkshire. The property retains many of its original architectural features, such as stone masonry, large bay windows, and ornate cornicing, which provide significant character. The property is ideally suited for conversion into an adult care home for up to six residents due to its size, internal layout, and adaptability.

- **Internal Layout:** The property is currently arranged as a large private dwelling, comprising an entrance hall, two reception rooms, a kitchen, a dining room, a utility room, five / six bedrooms (two with en-suite facilities), a family bathroom, and a basement that can be used as storage or an additional reception room. The layout offers spacious communal areas that are ideal for shared activities, enabling a comfortable and supportive living environment for residents.
- **Parking:** The property benefits from secure gated parking, with off-street parking provision for three vehicles, and on street parking for visitor parking. This level of provision is well within what is required to support the proposed use as an adult care home. Adequate parking helps mitigate any potential traffic issues, ensuring that on-street parking demands are minimal.
- **Planned Modifications:** The proposed changes are non-material and primarily aimed at improving accessibility and safety. These include installing fire alarms, fire doors, handrails, a stair lift, and an external ramp, along with other minor adjustments to support residents with mobility challenges. These modifications are consistent with standard features in C3(a) residential use, and they do not alter the external appearance or character of the property, preserving its Victorian architectural integrity.

Section 4: Existing and Proposed Use

- **Existing Use:** Currently, 41 Cemetery Road is used as a five/six-bedroom private dwelling (use class C3(a), accommodating a single household as a family unit. The property is occupied as a private residence and functions entirely within the parameters set by the Class C3(a) use class.
- **Proposed Use:** The proposed change is to establish an adult care home for up to six residents under use class C3(b). The care provided will be supportive, including administering regular medication to the adults on site, and designed to foster a family-like living environment for the residents, who will live together as a cohesive single household. The purpose of this proposal is to offer supportive accommodation that allows individuals to live independently while receiving necessary assistance, including medication management, in a setting that mirrors typical family life.

The proposed change does not involve significant external alterations or affect the overall scale and appearance of the property, ensuring that it continues to integrate seamlessly within its residential setting. By retaining the domestic character of the building, the proposal ensures compatibility with the surrounding residential neighbourhood.

Section 5: Legal Framework

- **Planning Permission and Material Change of Use**

Under Section 55 of the Town and Country Planning Act 1990, planning permission is required only if a proposed change constitutes a "material change" that impacts the character of the property or its surroundings. In this case, the proposed shift from a private dwelling to an adult care home does not amount to a material change. The property will retain its residential character, with no significant increase in noise, traffic, or disturbance. Activities will remain consistent with those of a typical household.

A "material change" is determined by the extent to which the proposed use alters the nature of the property or its effect on the locality. The care home model, involving up to six individuals living as a single household with non-institutional care, is comparable to the operation of a large family home. There are no planned external modifications or operational changes that would significantly affect the property's impact on the neighbourhood.

- **Use Class C3(b) Classification**

The proposed use falls under Use Class C3(b), which covers up to six individuals living together as a single household with care provided. This classification applies where care is delivered in a non-institutional manner. Unlike Class C2, which pertains to institutional care facilities with structured and regimented care, the proposed use fosters independent living in a supportive, family-style environment.

By operating as a domestic household with shared spaces, communal living arrangements, and routine activities typical of a family setting, the proposal aligns with Class C3(b). The emphasis on maintaining a homely atmosphere supports this classification, ensuring that the care provision avoids the institutional characteristics of Class C2.

- **Material Change and Residential Character**

The proposed use as an adult care home does not significantly alter the property's residential nature. Planning law emphasises the impact of changes on the property's character and the surrounding area. Here, the supportive care model mirrors typical family living, including shared meals, leisure activities, and communal interactions, with no increase in traffic, noise, or other disturbances.

Section 6: Supporting Guidance and Use Classes Order

- **Supporting Guidance**

Planning guidance supports the use of residential properties for up to six individuals receiving supportive care under Class C3(b), provided the care remains non-institutional. The proposal for 41 Cemetery Road fits within these guidelines, offering a supportive yet independent living

arrangement that aligns with national and local planning policies. This approach fosters residential cohesion and minimises disruption while allowing individuals to live in a familiar, family-style setting.

The planning system encourages flexible use of residential properties to accommodate care needs without resorting to institutional care. By providing supportive care in a domestic environment, the proposal maintains the quality of life and independence for residents while preserving the property's residential function.

- **Town and Country Planning (Use Classes) Order 1987**

The Town and Country Planning (Use Classes) Order 1987, as amended, outlines when changes of use can occur without requiring planning permission. The proposed use of 41 Cemetery Road complies with Class C3(b), which allows up to six individuals to live as a single household with care provided.

This classification ensures the property continues to function as a dwelling house without adverse effects on neighbours or the community. By retaining its residential character, the proposal meets the Use Classes Order's objectives, enabling supportive care in a non-institutional setting while preserving the neighbourhood's character.

Section 7: Assessment of Material Change of Use

To determine whether the proposed change represents a material change of use from the existing Class C3(a), an evaluation is made regarding the number of residents, the nature of the household, the type of care provided, and the potential impact on the surrounding area.

- **Number of Residents**

The proposed adult care home will accommodate up to six residents, which aligns with the maximum allowed under Class C3(b). The scale and occupancy of the property remain comparable to that of other residential dwellings in the area, and there is no significant alteration in the intensity of use. The property's existing use as a large family home already accommodates several individuals, and the proposed use is consistent with this scale of occupation. The provision for up to six residents, all living as a single household, reflects a level of use that is common within large family homes throughout the locality.

The number of individuals living within the property does not exceed that which is common for larger residential dwellings, and there is no expectation that the level of activity will exceed what might be considered typical. The care provided is of a supportive nature and does not introduce significant additional services, traffic, or infrastructure demands that would differentiate the use from its current classification.

- **Household Composition**

The residents will live as a single household, sharing communal living spaces, preparing meals together, and participating in household activities. This arrangement replicates the dynamics of a typical family household, and the care provided is intended to support and enhance independent living, without creating an institutional atmosphere. The emphasis is on creating a communal, family-style setting where residents feel at home and take part in household responsibilities.

Household activities will include shared mealtimes, recreational activities, and social engagement among residents, similar to the way in which an extended family might live together. Each resident will have their own bedroom while sharing the common areas, thereby creating a balance of privacy and community. This arrangement is indicative of a shared living environment, which is central to the C3(b) classification.

- **Nature of Care Provided**

Care Provision and Staffing Details

The care provided at 41 Cemetery Road supports residents in maintaining independence while offering necessary assistance, including medical support such as the administration of medication. The model prioritises a family-style environment rather than an institutional approach, ensuring that care remains personal and non-intrusive.

Staffing Structure

- **Maximum Staff Presence:** Up to three staff members will be present at any given time. This staffing level ensures residents receive the necessary care and support while preserving the household's residential character.
- **Overnight Staffing:** One staff member will remain on-site overnight to provide assistance. This arrangement ensures continuity of care while minimising disturbances to residents, creating a stable and calm environment with no overnight shift changes.

Staff Roles and Activities

The staff will provide:

- **Medical Support:** Administration of prescribed medication to residents, ensuring proper dosage and compliance with medical requirements.
- **Assistance with Daily Living:** Help with tasks such as meal preparation, mobility support, and personal care, tailored to individual needs.
- **Household Integration:** Encouragement for residents to engage in household activities where appropriate, fostering autonomy and a sense of belonging.

Alignment with Residential Use

This staffing structure and care provision are consistent with the requirements of Class C3(b), which allows for supportive living arrangements with care provided. The care model emphasises integration within a residential setting and avoids the regimented and clinical approach typical of institutional care (Class C2). By maintaining a homely environment while offering necessary medical and personal assistance, the property retains its residential character and purpose.

Impact on Traffic and Parking

One of the primary concerns when assessing a change of use is the potential impact on local traffic and parking. The proposed use is not expected to generate more traffic than what is typical for a large family dwelling. The property has three dedicated parking spaces available on-

site for staff and visitors, which is sufficient to meet the anticipated needs without resulting in increased pressure on street parking.

Staff members will coordinate their arrival and departure times to ensure that parking requirements are managed efficiently, and any visiting professionals or family members will be encouraged to utilise off-site or street parking where possible. This approach ensures that parking remains organised and that there are no significant changes in traffic levels compared to the existing residential use. As such, the proposed change in use will not have any substantial adverse effect on local traffic or parking availability.

- **Visual and Physical Modifications**

The proposed modifications to the property are minimal and do not impact its external appearance, which will remain consistent with the character of a typical Victorian residential dwelling. The addition of accessibility features such as an external ramp and internal handrails is akin to modifications made by many private residences to accommodate elderly or disabled occupants.

No structural extensions or significant changes are planned, meaning the visual impact on the streetscape will be minimal. This factor is crucial in maintaining the existing character of the residential area, as the property will continue to look like a traditional dwelling, which helps to ensure that the proposed change has no material impact on the character or appearance of the area.

Section 7: Conclusion

The proposed change of use of 41 Cemetery Road from a private dwelling to an adult care home accommodating up to six residents receiving care is consistent with the definition of Use Class C3(b) under the Town and Country Planning (Use Classes) Order 1987 (as amended). The following key points summarise why the proposed use should be granted a Lawful Development Certificate:

1. **Retention of Residential Character:** The property will continue to operate as a residential dwelling with up to six residents living together in a supportive environment. The nature of the care provided is non-intrusive and designed to foster independent living, ensuring the use remains consistent with the current residential character.
2. **Household Setting and Non-Institutional Care:** The proposed care model involves a shared household environment, with communal spaces being used similarly to those in a typical family home. Residents will participate in daily activities together, maintaining a dynamic reflective of ordinary family life. There will be no institutional aspects, such as regimented schedules or segregated activities, that would suggest a different classification under Class C2.
3. **No Material Change of Use:** There will be minimal physical alterations to the property that would impact its external appearance, and the activities taking place will be comparable to those in a typical large family home. The level of traffic, noise, and general activity will not exceed that which is expected for a residential property, ensuring no material change that would necessitate planning permission.
4. **Compliance with Planning Policy:** The proposal aligns with both national and local planning policies, which emphasise the importance of providing diverse and inclusive residential options for individuals in need of support. The care model promotes independent living within the

community, reflecting current planning policy goals to integrate care services within residential areas rather than create separate institutional facilities.

5. **Supporting Guidance:** Established planning guidance and relevant use classifications support the position that small care homes accommodating up to six residents fall under Class C3(b), provided they maintain a non-institutional character. The proposed care home at 41 Cemetery Road fully complies with these guidelines, ensuring that it remains within the scope of Class C3(b).
6. **Impact on Local Area:** The proposed use will have minimal impact on the surrounding area. The visual appearance of the property will remain unchanged, and the level of traffic and parking requirements will be similar to that of a large family residence.

Based on the evidence presented, it is respectfully requested that the Local Planning Authority grants a Lawful Development Certificate for the proposed use of 41 Cemetery Road as an adult care home under Use Class C3(b). The property will provide a high-quality, supportive residential environment that is compatible with the surrounding residential area, ensuring minimal disruption and maximum community integration.

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