

Below is a comprehensive information demonstrating that the change of use from C3 (dwelling) to C2 (residential children's home) does not constitute a material change of use, thereby supporting the granting of a Certificate of Lawfulness.

Legal & Planning Policy Basis

The determination of whether a change from C3 (dwellinghouse) to C2 (children's home) constitutes a material change of use falls under key planning legislation and legal precedents. Based on Section 55 of the Town and Country Planning Act 1990, a change of use only requires planning permission if it is considered material—meaning that the use must significantly alter the character of the property and its effect on the neighbourhood.

1. Relevant Legal Precedents Supporting the Case

Burdle v Secretary of State [1972]

- Establishes that the starting point for assessing a material change of use is to identify the planning unit, which in this case remains a single residential dwelling.
- Since the property's structure, function, and occupancy remain residential, it does not meet the threshold for material change.

Guildford Rural District Council v Penny [1959]

- Confirms that change of use is material only if it significantly alters the character of the property.
- A small children's home that operates identically to a family setting does not introduce institutional features, making the change non-material

North Devon District Council v Secretary of State [2003]

- Establishes that children require structured care, but this does not inherently alter residential classification.
- The presence of caregivers mirrors standard parental responsibilities, ensuring continuity in residential use.

Ministerial Statement (May 2023) – Planning for Accommodation of Looked After Children

- States that the planning system should not obstruct efforts to provide homes for vulnerable children.
- Not all C3 to C2 changes require planning permission, particularly when the home retains standard residential characteristics.

National & Local Planning Policy Considerations

- National Planning Policy Framework (NPPF) promotes integrating vulnerable children into communities instead of isolating them in institutional settings.
- Kirklees Council and Bradford Council have previously approved multiple similar applications, confirming a consistent approach to planning decisions.

2. Consistency with Residential Character

A material change of use is defined by a significant alteration in the way a property operates and interacts with its surroundings. In this case, the proposed use mirrors a typical family home, meaning no fundamental shift in character occurs.

Key Points Demonstrating Residential Nature

- One child will permanently reside in the home, ensuring it serves as their stable residence.
- One manager and two support workers will rotate shifts, sleeping on-site, similar to households with parents, guardians, or live-in caregivers.
- The presence of one manager and two support workers rotating shifts and sleeping on-site mirrors households where parents, nannies, or live-in caregivers provide continuous support.
- Daily routines such as meals, school attendance, leisure activities, and social interactions mirror normal family life.
- The home has no institutional features—no signage, offices, or commercial operations.
- All bedrooms, common areas, and shared facilities remain unchanged, preserving the traditional residential function.
- No increase in staff movement beyond normal household activity, meaning no visible disruption to the neighbourhood.
- This setup does not introduce a business-like operational change—it maintains the essential character of a domestic residence.
- Precedents Confirming Residential Nature
- Previous successful approvals for small children's homes confirm that the presence of carers does not equate to institutional use.
- Recent Certificates of Lawfulness granted for similar cases show consistent planning interpretations.

3. Minimal Environmental Impact – No Traffic or Parking Issues

Concerns about parking, traffic, and vehicle movements are often raised in planning applications related to children's homes. However, in this case, there is no material impact beyond standard residential use.

Parking and Traffic Considerations

Concerns over parking and traffic often arise when assessing change of use applications. However, in this case, vehicle movements remain entirely within standard residential expectations.

Parking & Vehicle Movement Considerations

- Two off-road parking spaces accommodate staff vehicles, eliminating reliance on street parking.
- Additional nearby parking ensures that visitors do not create congestion.
- Shift rotations occur predictably at reasonable times, meaning vehicle movements align with households with multiple working adults.
- Visitors (social workers, school officials, medical professionals) are infrequent and do not exceed standard household activity.
- No significant increase in car movements beyond typical family usage—this does not meet the threshold for material change.

Planning Precedents Confirming No Traffic Impact. Supporting Legal Findings

- Previous cases granting Certificates of Lawfulness for similar properties confirm that staff

- shift patterns do not constitute a business-like activity.
- Decisions such as Kirklees Council’s ruling on Greenhead Lane and Cliffe Street recognize that vehicle movements in small-scale children’s homes remain within residential norms. Local transport authorities have raised no objections in similar cases, reinforcing the lack of planning impact.

4. No Increase in Noise or Antisocial Behaviour

One of the common concerns regarding care homes is whether they introduce noise disturbances or antisocial behaviour. However, in this case there is no evidence to support these concerns.

Key Factors Demonstrating No Impact

- The home will operate in a structured, quiet, and well-supervised manner, ensuring a stable residential environment. There is no evidence suggests that a single child in care, with professional supervision, would create excessive noise.
- Children in care are not automatically disruptive, and professional caregivers ensure behaviour management.
- Concerns about crime or antisocial behaviour are unfounded—there is no automatic link between children in care and social disturbances
- No evidence suggests an increase in noise complaints or neighbourhood disturbances.
- There is no enforcement record of residential children’s homes leading to increased crime or antisocial behaviour.
- Routine activities, such as meals, study time, and social interactions, align with normal household expectations.
- Supporting Legal Findings
- Local enforcement agencies and planning decisions (e.g., Cliffe Street, Greenhead Lane, and others supplied) confirm that children's homes do not negatively impact neighbourhoods.
- Previously approved applications with similar setups reinforce that noise concerns are unfounded.

5. No Structural Modifications – Property Remains a Dwelling

Another indicator of a material change is whether a property undergoes physical modifications to accommodate the new use. In this case:

No Structural Change Confirming Continued Residential Use

- No external modifications are planned, meaning the property retains its original design and function, meaning the property retains its residential layout.
- All living areas remain for domestic purposes, with no conversion into administrative or commercial spaces.
- No institutional or commercial features (office spaces, signage, security fencing) are being introduced, reinforcing its residential character.
- The home will maintain its traditional residential appearance, ensuring it blends into the surrounding neighbourhood.

Key Planning Principles Supporting the Case

- Retaining the original structure strengthens the argument that the change is not material.
- Certificates of Lawfulness granted for similar homes confirm that maintaining the physical

form of a house reinforces its lawful residential function.

6. Appeal & Precedent-Based Consistency

To further support the lawful nature of the proposed use, previous planning approvals and appeal cases demonstrate clear consistency in granting Certificates of Lawfulness for similar applications. Relevant Approved Applications

The following previous successful permissions establish strong precedent for this application:

- 48 New Lane, Moorside, Cleckheaton (2024/CLD/91435/E)
- 11 Thorgrow Close, Fenay Bridge, Huddersfield (2024/CLD/91535/W)
- 58 Cliffe Street, Dewsbury (2023/CLD/92548/E)
- 41 Greenhead Lane, Dalton, Huddersfield (2025/CLD/90663/W)
- 26 Newhall Park Drive, Bradford (24/01049/CLP)

Why This Precedent Matters

- Each of these applications confirmed that a children's home does not constitute a material change of use.
- All properties were allowed to operate under Class C2 while retaining their residential function.
- The planning system favours consistency, ensuring decisions align with previous approvals.

7. Conclusion: No Material Change Under C2

To summarize, the proposed children's home does not constitute a material change of use because:

- It functions as a standard family home—one child receiving care, with adults providing supervision.
- Traffic and parking remain within normal residential levels, ensuring no planning impact.
- No increase in noise or disruption, reinforcing that the home integrates seamlessly into the community.
- No structural alterations, meaning the property's character remains identical to its original residential function.
- Legal precedent and ministerial guidance confirm that small children's homes fit within existing residential planning rules.
- Recent Certificates of Lawfulness (Cliffe Street, Greenhead Lane, and others supplied) confirm that similar applications have been approved, ensuring consistency in planning decisions.

Recommendation

On the balance of probability, granting the Certificate of Lawfulness is the appropriate outcome, ensuring the home can operate within lawful residential parameters under Class C2 without requiring planning permission.