PLANNING/ DESIGN AND ACCESS STATEMENT

Application for the change of use of a house (C3a), to a children's home, for up to four children, with a manager and up to four carers, two of whom will sleep overnight, working on a rota basis (C2).

16/06/2025

1. Background

1.1. I am writing on behalf of my client, Strive to Care Ltd, which is seeking planning permission to use 3 Richmond Street, a C3a dwelling, as a small specialist care home for up to four children with learning difficulties (LD) and/or emotional behavioural difficulties (EBD), which falls within use class C2 of the Use Classes Order.

1.2. The property is a six-bedroom detached house with a garage and off-street parking for three cars.

1.3. It is the company policy to require staff to use public transport (with free bus passes or subsidised taxi fares) or a bicycle and not to allow on-street parking.

1.4. The home will be registered with OFSTED as a four-bedroom children's home for children aged 7 until their 18th birthdays. Children will undergo a stringent impact risk assessment to ensure they integrate with the local community. This considers the home, the environment, the community, plus peer groups and risk assesses against each child as an individual prior to admission into the home. The children will reside at the property long-term, hopefully for many years. This is not a halfway house or emergency housing for children.

2. Proposal

2.1. The application is to ensure that the property acquired will meet the necessary planning requirements to achieve Ofsted registration.

2.2. There will be no external alterations to the property. The existing rooms and space standards meet the requirements of Ofsted. Prior to the registration of the home, Ofsted would be the organisation responsible for ensuring these internal standards have been met.

2.3. In a ministerial statement from Rachel Maclean (Minister of State, Department for Levelling up, Housing and Communities) in May 2023 she stated: '*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, the care system must provide 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'.*

2.4. *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.*

2.5. Under Section 22G of the Children Act 1989, local authorities have a statutory responsibility to take steps, as reasonably practicable, that

ensure children in care are provided with accommodation that '(a) is within the authority's area; and (b) meets the needs of those children.' Three reports were published in 2020 by the Children's Commissioner: 'Children who no-one knows what to do with; Private provision in children's social care' and 'Stability index 2020', which point out the failings of local government to meet this responsibility.

2.6. Under the requirements of Ofsted, such care homes must be run as closely as possible to a typical family household; while accepting staff are employed on a rota basis to provide the parental support to the children so many have missed in their early years. The only physical requirements specified by Ofsted are security cameras (although not essential and not materially different from a system found in many households), emergency lighting (no external visual distinction from normal lighting) and locks on bedroom doors for the privacy of each child (not a material issue for planning).

2.7. In terms of fire regulations for care homes, the only physical requirement is to have fire doors on those leading to the kitchen. The physical appearance of such doors is not materially different from normal doors and has no material impact on the character of the property.

2.8. Four children would live at the house with a manager and four carers, two working on a rota basis, sleeping overnight. Two carers would work 48-hour shifts, with one change of staff each day around 9:30 a.m. A manager would arrive each weekday around 9am and work until around 5pm, together with two daily carers, working from 8.30 am until 8pm.

2.9. These comings and goings are set out in the table below.

2.10. The purpose of the home would be to support the children in building their confidence, help them develop life skills and prepare them for adult life outside of care provision. This type of support has been found to be most effective in helping these children lead normal lives and avoid problems in later life.

2.11. During the day it is expected that the child would engage in various activities, plus attend a mainstream or special school. In some cases, the child may receive some home schooling or via virtual school but only while he/she settles in. Clearly this is no different from a family choosing to have home tutoring.

2.12. With regard to schooling, it is often the case that when young people come into care, they have missed an extensive proportion of their education or are affected in a way that they could not work effectively in a large classroom environment. Given this, they would be tutored from home initially. This is all achieved online without any tutors having to go to the house. They may then progress to a specialist unit (smaller class sizes) then onto mainstream. In cases where parents of children in an ordinary family choose to have their children educated at home, it makes no difference to the planning status of the use.

2.13. The children's home model is to create a warm and nurturing family style environment for the medium to long-term care of a small number of children. This type of provision is operated in the same manner as a regular family home with two primary carers, to provide consistency and stability to the children who live there (similar to a fostering model).

2.14. Care is provided in small sized family units where residential carers help to develop the social and life skills needed when the children no longer live within an institution. Without such homes and positive interventions, these children, when they leave the controlled environment of care homes, will often end up in adult institutions, suffering from long term health and mental problems.

3. Planning Assessment

3.1. The planning policy framework is provided by the National Planning Policy Framework (NPPF, December 2024) and the Tameside Unitary Development Plan (2004) and the Greater Manchester, Places for Everyone (2024).

3.2. The relevant sections of the NPPF are as follows:

Paragraph 2 of the NPPF is highly relevant as it states that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 61 makes clear that in order to '*support the Government's objective of significantly boosting the supply of homes……. the needs of groups with specific housing requirements are addressed'.* Paragraph 63 makes particular mention of the needs of looked-after children.

Paragraph 62 makes clear how housing need in an area should be assessed and understood, and paragraph 63 advocates that planning policies should reflect the housing needs for different groups in the community.

3.3. Recent Government advice emphasises the provision set out in Paragraph 63 of the NPPF, which notes that local planning authorities should assess the size, type and tenure of housing needed for different groups in the community and reflects this in planning policies and decisions. Paragraph 63 states: '*These groups should include (but are not limited to) those who require affordable housing (including Social Rent); families with children; looked after children.'* Evidence of need for looked after children can be found in the relevant local authority's Children's Social Care Sufficiency Strategy.

3.4. In a ministerial statement the then Housing and Planning Minister said councils *should consider whether it is appropriate to include accommodation for children in need of social services as part of the NPPF assessment*'. She went on to say that '*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*'.

3.5. Paragraph 116 is specifically relevant, '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios'.*

3.6. Section 8 – Promoting healthy and safe communities emphasises the need to make appropriate provision for the special needs of young people.

The Tameside Unitary Development Plan (2004) and the Greater Manchester, Places for Everyone (2024).

Specialist Housing

3.7. Specialist schemes will be supported in the borough's towns and excluded villages where accessibility to services and facilities is good. '*However, where a proposal is likely to lead to a concentration of specialist accommodation in any one neighbourhood area, primary health care service providers should be consulted to ensure that the residents will be sufficiently supported by primary health care services.'*

3.8. There are no other care home in close proximity to the proposal and the use will not have an adverse impact on local primary care services.

Location of Specialist Housing

3.9. Ofsted will require a local risk assessment before approving the property as a care home. Planning is therefore not the only form of regulation which controls the suitability of the location. A basic principle in assessing a planning application is whether there is other legislation which is more appropriate to regulate the proposed development. In the case of children's care homes, the relevant powers are set out in:

Care Standards Act 2000

The Care Standards Act 2000 (Registration)(England) Regulations 2010

The Children's Homes (England) Regulations 2015
Children's Homes and Looked after Children (Miscellaneous Amendments) (England) Regulations 2013

Neighbouring Amenity

3.10. There is no evidence to suggest that this form of care home, with highly supervised children, would result in more noise than the current dwelling.

3.11. The comings and goings would also not have an adverse impact on the amenity of neighbours.

3.12. Day-to-day activities in the home will mirror those of a typical large family. Staff shift changes, school runs, and visitors will all follow a schedule similar to that of a family with young children. Additionally, evidence from other similar care homes suggests that the level of comings and goings will not differ materially from that of a typical household.

3.13. A typical week at the home will include regular school runs, staff changes, and occasional social worker visits. These activities will follow a predictable schedule, and all efforts will be made to minimize traffic and disruption to the surrounding area.

3.14. The comings and goings, whether by car or other means, are similar to a typical family dwelling. The home manager would arrive each weekday in the morning and leave each evening (9am and 5pm). In terms of the other staff on the premises, the overnight staff would

work on 48-hour shifts with only one of the two staff changing each day around 9.30 am. Two daily carer will arrive each day around 8.30, working until 8 pm.

3.15. An elderly person or someone with special needs living in a dwelling with four carers arriving throughout the day does not have a material impact on the amenity of neighbours, hence nor would the proposed movements.

3.16. The nature of the area is also relevant, with comings and goings in a busy area having less impact than in a quiet residential area.

3.17. In addition to Ofsted's one visit per year, there will be visits by local social services circa every four to six weeks and one Regulation 44 each month. Usually, each child's social worker would visit them individually but if they are from the same local authority one of the social workers may visit both children. This means these visits are quite rare and with one or two inspectors visiting the property each month, this is not going to have a material impact on the character of the property.

3.18. Depending on the needs of the individual children, there may be occasional visits by other professionals. In addition, there may be visits by family members and friends, although these are carefully managed in advance or the home will facilitate family contact outside the home, subject to child's individual care plan. These visits are no more frequent than those to a typical family by friends or relatives. They are quantified in schedule 2 below.

3.19. An estimate of the average number of comings and goings in a week of the existing and proposed use are set out below.

3.20. All household chores such as cleaning, cooking and gardening involve the children and no additional staff are employed at the premises.

Schedule 1 (estimated comings and goings from family use)

Activity	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Journeys to work		4	4	4	4	4	
School Run		4	4	4	4	4	
Shopping/ Social/recreational outings	4			2	2		4
Other visitors	4			2		2	2
Total Movements (in and out)	8	8	8	12	10	10	6

Schedule of Proposed Use (based upon experience of other similar homes)

Activity	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Home Manager/ daily carers	4	6	6	6	6	6	4
Care workers starting and finishing shift	2	2	2	2	2	2	2
School run		4	4	4	4	4	
Shopping/ Social/recreational outings	4						4
Visitors (inspections/ social workers/ family and friends)	2			2			2
Total Movements (in and out)	12	12	12	14	12	12	12

3.21. The above schedule shows that the comings and goings would be similar to a typical house and less than the current use.

Impact of the presence of staff

3.22. Visually, the property would look no different to the adjacent houses. During the day there would normally be only three members of staff present at anyone but this would have no impact on residential amenity of neighbours amenity or character of the area.

3.23. In an appeal in Stockport (Appeal Ref. 2162636) an Inspector noted that although the building would be fitted with an office [and fire alarm], this was not uncommon in many dwelling houses around the country and would not materially alter its basic character as a dwelling house. There are no major modifications required to this property.

3.24. A similar conclusion is drawn in the Dale Road Appeal (Appeal ref. 3263178) : '*The number of these movements is unlikely to be significantly more than the number that would be undertaken by a family and certainly not enough to result in a level of intensification in the use of the site that gives rise to concerns from a planning point of view. There is insufficient evidence before me to show that the use would be likely to result in greater levels of noise and disturbance than the existing authorised residential use.'*

3.25. Appeal (Ref. 32993519) also provides a useful assessment of a similar care home. In paragraph 12 it states: *'Whilst there will be some additional comings and goings associated with the use as a residential care home, there is no evidence before me to dispute the appellant's case*

that the use will not give rise to a greater level of disturbance than could be generated by the lawful use as a C3 dwellinghouse. The additional comings and goings identified by the appellant and Council are at a sufficiently low level so as to remain within the parameters of what could be usually expected of a family home and not therefore materially different so as to change the character of the property. Similarly, the number of people who will be typically present at the property, and therefore the associated waste generated, is not significantly higher than could be expected with its current lawful use'.

3.26. On this basis it is maintained that the proposed use as detailed in this supporting statement would not be materially different from a typical household. This is also supported by the Egerton Appeal (Appeal Ref.3161037) where the Inspector concluded a similar use would not result in significantly more movements to give rise to planning concerns.

Fear of Crime/Anti-Social Behaviour

3.27. The fear of crime and anti-social behaviour is a material planning consideration which might weigh against the granting of planning permission. Any concerns that disturbance from anti-social behaviour would be more likely as an impact of the proposed use are not supported evidentially. Moreover, the operation and provision of care services and supervision of occupation would be regulated and controlled in compliance with OFSTED[3] standards. As such, there is no reason to consider that off-site impacts with regard to this matter would be significantly different in the local area compared to currently.

3.28. The children who will live at the home will undergo a thorough impact risk assessment conducted by multidisciplinary teams before admission to ensure they are well-suited to this environment. Professional carers, trained in managing emotional and behavioural needs, will provide 24-hour care and support. These measures will minimise the likelihood of any disturbance to neighbours.

3.29. A management plan could also be secured and implemented by a planning condition. Amongst other matters this could include, for example, how any problems affecting neighbours would be recorded and managed, contact phone numbers for neighbours to report incidents, and other measures and safeguards to deal with any identified persistent problems.

3.30. The nature of the children is not therefore material to the determination of this application. In addition, the level of professional care would also act to minimise any likely disturbance.

3.31. The task must be to compare against that 'baseline' the character of the current land use with what is now proposed. In so many respects the use would operate in a way that is very similar to a normal family home. The property would provide the young person with their sole and main residence, with free and shared access to living, dining, and kitchen facilities, and the ability to take shared meals prepared for them or make their own food or drink.

3.32. The young person would interact with the property in a way that is very similar to an adult resident, parent or guardian. The young person and staff would eat together and carry out domestic chores. The home aims to create a lifestyle similar to that of a typical family home. In fact, it is the main role of a Children's home to ensure it provides a

place for young individuals that is as close as possible to a normal family home.

Community Engagement

3.33. The applicant recognises the importance of integrating the proposed children's home into the local community and will actively engage with neighbours through an information session prior to opening. Additionally, a point of contact will be provided for local residents to raise any concerns directly with the management of the home.

4. Conclusion

4.1. It is maintained that there would be no material difference in planning terms than the current authorised use. The carers, working on a rota basis, would effectively live at the dwelling house to provide 24-hour care, as a single household. Facilities such as the bathroom/wc, kitchen and living rooms would be shared and the living mode would be communal. The comings and goings associated with the use would not be materially different from a typical residential household.

4.2. The proposed use is to provide a stable home environment for the occupant as their main and sole residence and that the length of stay is more than temporary or passing. It would not be a 'halfway' house or provide overnight emergency lodgings for example. However, in any event, the courts have provided some assistance in determining the significance of there being a commercial factor to a residential use or an arrangement where the occupants have generally only a limited period of stay.

4.3. Following Gravesham BC v Secretary of State for the Environment [1982], the court accepted that the distinctive characteristic of a dwelling house was its ability to afford to those who used it the facilities required for day-day private domestic existence. It did not lose that characteristic if it was occupied for only part of the year, or at infrequent intervals, or by a series of different persons or if it was under commercial management.

4.4. Comings and goings would be significantly less than could occur at present, hence there would be no undue disturbance to any neighbours. The local authority is therefore respectfully requested to support the application to establish this much-needed facility.