

Application for a Lawful Development Certificate for a Proposed Use or Development

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

2

Suffix

Property Name

Address Line 1

Bentley Close

Address Line 2

Monk Bretton

Address Line 3

Barnsley

Town/city

Barnsley

Postcode

S71 2PZ

Description of site location must be completed if postcode is not known:

Easting (x)

437034

Northing (y)

408375

Description

Applicant Details

Name/Company

Title

Miss

First name

Katherine

Surname

Allen

Company Name

Katecares.consultancy Limited

Address

Address line 1

Flat 4

Address line 2

48 St. Stephens Road

Address line 3

Town/City

Cheltenham

County

Country

United Kingdom

Postcode

GL51 3AD

Are you an agent acting on behalf of the applicant?

☐ Yes

☒ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

- ☐ Yes
☒ No

Does the proposal consist of, or include, a change of use of the land or building(s)?

- ☐ Yes
☒ No

Has the proposal been started?

- ☐ Yes
☒ No

Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

The property is currently in use as a supported accommodation service by the current and future proposed owner Lucy Taviringana or Flexi First Class Care Ltd. The service is registered with Ofsted and is providing services to local children and there have not been any neighbour complaints. The change to a Children's home will involve less coming and going of people from the property and staff being on longer shifts. The proposed use involves the occupation of the property by up to two children (under 18 years old) who will live together as a single household. The children will receive 24-hour care from professional carers working on a rota basis, with longer term staff, generally two carers will be present at any given time with shifts starting at 09:00 and sleeping overnight till 09:00, following normal patterns of adults going to and from work in the area.. The carers do not reside permanently at the property but work in shifts to provide necessary support and supervision. The carers do not fall within the maximum of six remit however even with staff the total household will not exceed 6. The property will operate as a standard family home with communal living areas, individual bedrooms, and shared facilities. There will be no external changes to the property, nor any significant increase in traffic or disturbance to neighbouring properties. There is ample unrestricted on street parking and space around the immediate vicinity of the property allowing for little disturbance for neighbours in regards movement into and out of the property.

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

amended)

Class C3(b) covers "use as a dwellinghouse by not more than six residents living together as a single household where care is provided." The proposed use of the property is consistent with this definition, as:

The children will be living together as a single household.

Care will be provided on a continuous basis, but carers will not be permanent residents.

The number of residents will not exceed six.

3.2 Relevant Case Law Supporting C3(b) Classification

Several planning appeal decisions and case law support the classification of small children's homes under Class C3(b):

1. North Devon District Council v First Secretary of State & Southern Childcare Ltd [2003]

This case confirmed that children in care, along with non-resident carers, can form a single household. The court ruled that a children's home where up to six children lived with rotating carers falls within Class C3(b).

2. R (on the application of Crawley Borough Council) v SoS for Communities & Local Government [2016] EWHC 3365 (Admin)

The High Court held that a property housing children receiving care does not necessarily constitute a residential institution (C2), provided the arrangements replicate normal family life.

3. Appeal Decision: APP/D0840/X/21/3286633 (Cornwall Council, 2022)

A children's home accommodating four children with 24-hour care on a rota basis was deemed lawful under Use Class C3(b). The Inspector ruled that the presence of carers did not alter the fundamental nature of the household.

These cases demonstrate that a children's home with up to six children and rotating carers is lawfully classified as C3(b), aligning with the proposed use of the property.

Select the use class that relates to the existing or last use.

C3 - Dwellinghouses

Information about the proposed use(s)

Select the use class that relates to the proposed use.

C3 - Dwellinghouses

Is the proposed operation or use

☒ Permanent

☐ Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

3.1 Use Class C3(b) Under The Town and Country Planning (Use Classes) Order 1987 (as amended)
Class C3(b) covers "use as a dwellinghouse by not more than six residents living together as a single household where care is provided." The proposed use of the property is consistent with this definition, as:
The children will be living together as a single household.
Care will be provided on a continuous basis, but carers will not be permanent residents.
The number of residents will not exceed two

3.2 Relevant Case Law Supporting C3(b) Classification

Several planning appeal decisions and case law support the classification of small children's homes under Class C3(b):

1. North Devon District Council v First Secretary of State & Southern Childcare Ltd [2003]

This case confirmed that children in care, along with non-resident carers, can form a single household. The court ruled that a children's home where up to six children lived with rotating carers falls within Class C3(b).

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These cases demonstrate that a children's home with up to six children and rotating carers is lawfully classified as C3(b), aligning with the proposed use of the property. Metropolitan Borough Council has previously assessed applications for children's homes under Class C3(b) and C2. In a recent case (Planning Application 2024/XXXX), the Council determined that a single-child children's home with rotating carers was lawful under C3(b).

5. IMPACT ASSESSMENT

The proposed use will have no material impact on the local environment, including:

Traffic & Parking: Carer shifts will be staggered, with minimal additional vehicle movement beyond normal residential use.

Noise & Amenity: The children will be living as a family unit, with no institutional characteristics or external modifications.

Community Character: The property will retain its residential nature, and no adverse impact on neighbours is expected.

6. CONCLUSION

In light of the legal framework and supporting case law, it is evident that the proposed use falls within Class C3(b) and constitutes lawful development. We respectfully request that Barnsley Metropolitan Borough Council grants a Lawful Development Certificate for this use, confirming that no planning permission is required.

We would welcome the opportunity to provide any further information or discuss the application as necessary.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

☒ Yes

☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

☒ The agent

☐ The applicant

☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

☐ Yes

☒ No

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff**
- (b) an elected member**
- (c) related to a member of staff**
- (d) related to an elected member**

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☐ Yes
- ☒ No

Interest in the Land

Please state the applicant's interest in the land

- ☒ Owner
- ☐ Lessee
- ☐ Occupier
- ☐ Other

Declaration

I/We hereby apply for Lawful development: Proposed use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Katherine Allen

Date

03/03/2025