

**APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE (EXISTING/PROPOSED USE)**

**UNDER SECTION 191/192 OF THE TOWN AND COUNTRY PLANNING ACT 1990**

**APPLICANT:** Lucy Taviringana

**ADDRESS OF PROPERTY:** 12 Folly Way Barnsley S712SP

**LOCAL PLANNING AUTHORITY:** Barnsley Metropolitan Borough Council

**DATE:** 30.01.25

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## **1. INTRODUCTION**

This application seeks a Lawful Development Certificate (LDC) under **Section 192 of the Town and Country Planning Act 1990** to confirm that the proposed use of the above property as a children's home for up to **six children with care provided** falls within **Use Class C3(b)** and does not require a change of use planning permission.

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## **2. DESCRIPTION OF PROPOSED USE**

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 four 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.

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 parking onsite and space around the immediate vicinity of the property allowing for little disturbance for neighbours in regards movement into and out of the property.

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### 3. PLANNING AND LEGAL FRAMEWORK

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 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.

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### 4. PRECEDENT IN BARNSELEY

Barnsley 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)**. This precedent aligns with the proposed use in this application.

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## 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.

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## 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.

**Signed:**

Lucy Taviringana

Flexi First Class Care Ltd