



**Liverpool
City Council**

PLD

Mike Davies MPD Built Environment
Consultants Ltd

Application No: 25LP/0001

Date Issued: 24-02-2025

133 Mill Lane
Newton - Le - Willows
WA12 8BT

TOWN AND COUNTRY PLANNING ACT, 1990

**(Sections 191 and 192: as amended by Section 10 of the Planning and
Compensation Act 1991)**

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995: (Article 24)

Location: **57 Lorne Street, Liverpool, L7 0JP**

Proposal: **Application for Certificate of Proposed Lawful Development to change use from a dwellinghouse (Use Class C3) to a children's home (Use Class C2), to care for a maximum of 1 child aged between 8 - 17. The child would receive 2:1 care 24/7. Care staff would work 72 hours shifts with change overs taking place once in three days . A home manager may be present at the home during 'normal working hours 'Monday - Friday.**

Applicant: **Shavae Willoughby HOMES2EMPOWER
57 Lorne Street
Liverpool
L7 0JP**

Date Valid: **01 January 2025**

In pursuance of its powers under the above-mentioned legislation, the Local Planning Authority on **24 February 2025** **REFUSED** a certificate of lawfulness for the above-mentioned development, in accordance with your application, in accordance with the details specified in the attached schedule.

(see attached)

Samantha Campbell

Director of Planning & Building Control

Liverpool City Council

Cunard Building, Water Street, Liverpool, L3 1AH

T: 0151 233 3021



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CERTIFICATE OF LAWFULNESS - REFUSED

1. This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act, 1990 (as amended). 2. It certifies that the use specified overleaf taking place on the land described would not have been lawful, on the specified date and, thus would have been liable to enforcement action under section 172 of the 1990 Act on that date. 3. This certificate applies only to the extent of the use described overleaf and to the land specified and edged red on the attached plans. Any use which is materially different from that described, or which relates to other land may render the owner or occupier liable to enforcement action. 4. The effect of the certification is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

Reason for Refusal

1. Due to the ambiguity regarding the nature of accommodation, whether the property would be permanent place of residence or a crisis placement accommodation for the child/children, the application lacks and such that applicant has failed to demonstrate that the proposal would not constitute a materials change of use. It is therefore not possible to properly assess the precise character of the proposed use, making it difficult to determine whether, how or to what extent, the activities associated with the children's home would be materially different from that of the existing dwelling.

TOWN AND COUNTRY PLANNING ACT, 1990

(Sections 191 and 192: as amended by Section 10 of the Planning and Compensation Act 1991)

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NOTES FOR PLANNING DECISION NOTICES

OTHER CONSENTS

This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation. In particular, if building alterations are involved these may also require consent under the Building Regulations and before commencing work this aspect should be discussed with Building Control (Email: building_control@liverpool.gov.uk Tel: 0151 233 4458/ 4467). Where a building regulations approval is obtained and this requires changes from your planning permission, revised drawings must be submitted to the Divisional Manager Planning.

COMPLIANCE WITH THE PERMISSION/CONSENT

It is important that this permission/consent is implemented strictly in accordance with the plans approved by the consent. Where a planning permission is granted subject to conditions it is important that these are fully complied with. Non-compliance with the conditions of the permission/consent may well result in a Breach of Condition Notice being served on you or any other appropriate enforcement action required to remedy the breach of planning control.

APPEALS TO THE PLANNING INSPECTORATE

If you do not agree with the decision of the city council as local planning authority then you can appeal to the Planning Inspectorate. *Please note, only the applicant possesses the right of appeal.*

The Planning Inspectorate have introduced an online appeals service which you can use to make your appeal online www.gov.uk/government/organisations/planning-inspectorate. The Inspectorate will publish details of your appeal on the internet (on the Appeals area of the Planning Portal). This may include a copy of the original planning application form and relevant supporting documents supplied to the local authority by you or your agent, together with the completed appeal form and information you submit to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

If you do not have access to this service, forms can be obtained from Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay Bristol, BS1 6PN. (Tel: 0303 444 5334 or e-mail: enquiries@pins.gsi.gov.uk). *You must use a Planning Appeal Form when making your appeal. If requesting forms from the Planning Inspectorate, please state the appeal form you require.*

PURCHASE NOTICES

If the local planning authority or the Office of the Deputy Prime Minister refuses to grant permission to develop land or grants it subject to conditions, the owner may claim in certain circumstances that the land has become incapable of development. In these circumstances, the owner may serve a Purchase Notice on the Council under Part VI of the Town and Country Planning Act 1990, requiring the Council to purchase the owners interest in the land.

COMPENSATION

In certain limited circumstances, a claim must be made against the local planning authority for compensation. The circumstances in which compensation is payable are set out in Parts VI and V of the Town and Country Planning Act 1990.

NEW RESIDENTIAL DEVELOPMENT

In order to ensure that minimum disruption occurs once a development is completed; developers are asked to

contact all the public utilities to ensure that adequate services are provided at the outset. In particular developers are asked to contact the Cable TV provider

PUBLIC NOTICE – PARTY WALL ETC. ACT 1996

From the 1 July 1997 any person intending to carry out works affecting party walls or involving excavations for foundations adjacent to a party wall will be required to serve notice on all adjoining owners before work commences.

You are advised to engage the services of a private surveyor to act on your behalf in any formal private procedures and agreements that you are now required, by The Party Wall etc. Act 1996, to enter into.

Failure to comply with the Act may result in civil action being taken against you.