Planning Statement:

to support a planning application to change the use of a C3a dwelling house into a C2 Children's home

Furlong,
Cheadle Road,
Blythe Bridge,
Stoke on Trent
ST11 9PW.

7/04/2020

1. Introduction

1.1. I am writing on behalf of my client, 'Esland Care', who is seeking planning permission to use Furlong (a C3a use), as a small specialist children's home falling within use class C2 of the Use Classes Order. This would help to ensure that the property acquired will meet the necessary planning requirements and also will able to achieve Ofsted registration.

1.2. There will be no internal or external alterations to the building or surrounds.

1.3. The Esland Care Mission is to:

Provide stability through inclusive, safe and nurturing care

Develop resilience through creating trusting relationships to build attachments

Facilitate transition through positive childhood experiences to support a meaningful future.

1.4. The property is a detached six bedroomed property with parking space for around 6 cars. It is aimed to create a family, rather than an institutional environment, to help the young people prepare for the time when they will leave the home and establish their own independent lives.

1.5. The ages of children could be from 11 to 15. Once there are 3 children living in the home, there will be up to 5 carers present during the day and 2 sleeping through the night.

1.6. 'Esland Care' is a specialist owner operator with a leadership team that has excelled for over 30 combined years in providing a high quality of care and achieving an unrivalled reputation for looking after children. 'Esland

Care' currently operates over 20 children's homes. It is clearly essential for 'Esland Care' to create the right care setting for children who have suffered trauma. The small family homes that the company acquires provide the safety and security needed for the specialist care the children require. Each child is supported by his or her own key carer, as well as therapeutic parents and other specially trained adults who create a positive environment, whilst delivering a therapeutic programme.

1.7. 'Esland Care' has identified a local property that is considered suitable for use as a small, specialist children's home. This will accommodate up to three children or young people, with up to two members of staff sleeping on the premises to provide 24-hour care.

1.8. In order to achieve Ofsted registration, 'Esland Care' is required to provide written confirmation that the homes will be lawful and acceptable from a planning perspective.

Assessment of planning use

1.9. Use class C3 (b) allows for dwelling houses to be used by not more than six residents living together as a single household where care is provided. However, in order to form a 'household' for the purposes of class C3 (b), the persons who live together need not be related as family members. Even so, Article 2 of the Town and Country Planning (Use Classes) Order 1987 as amended (UCO) indicates that, for the purposes of the Order, 'care' means 'personal care' for people in need of such care and in class C2 also includes the personal care of children'.

1.10. There is some case law which establishes that if the carers work on a rota basis and that it is not their permanent residence, the use must be regarded as C2 and not C3b. In the judgement of Mr. Justice Collins in North Devon District Council v First Secretary of State [2003]. J. Collins was clear, on the facts of that particular case, that carers who do not live but who provide, not necessarily through the same person, a continuous 24-hour care cannot be regarded as living together and that, whilst there would be less than 6 residents, the children, without at least one adult living with them at the premises, would not be capable of being regarded in the true sense as a household.

1.11. In his judgement, Mr. Justice Collins went on to reason that in the case before him, where three children would reside and be cared for by non-resident staff in a three-bedroom semi-detached property, the use would seem to clearly fall within Class C2 of the 'UCO 1987' as a 'residential institution' which includes a home that provides care for children. As such it is accepted that the proposed use is C2.

1.12. In reality there is little significant material difference in planning terms between the proposed use and a typical residential household, to necessitate a requirement for planning permission. The carers will 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 will be shared and the living mode will be communal. The comings and goings associated with the use will not be materially different from a typical residential household.

1.13. Where possible they will utilise the local high school, however there may be some children who need to be 'homeschooled' in the initial stages of placement whilst they settle in. They may also transport children to specialist provisions in and out of the authority, depending on their needs.

1.14. In order to provide some guidance to the local authority about the comings and goings, the following table has been produced illustrating typical weekly movements.

Activity	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
24 hour care worker arriving and leaving for 2 day shift(residential care workers)	2	2	2	2	2	2	2
3 Primary Care workers arriving and leaving each day		6	6	6	6	6	
School run		2	2	2	2	2	
Social/recreational visits	4						4
Visiting social worker/ clinician				2			
Total Movements (in and out)	6	10	10	12	10	10	6

1.15. There is no limit on the size of 'family' that can occupy a dwellinghouse and it is likely that a sizeable property like this with ample grounds could be occupied by a relatively large family. Included, within the same C3 use class, the property might also be used and occupied by up to 6 people, who are not related as a family, but live together as a single household.

This could include an arrangement where the residents are provided with care.

1.16. In terms of the maximum number of cars likely to be parked on the site at anyone time, there could be two overnight care workers cars, but in the day a potential 4 cars with primary care workers visiting and possibly another visitor.

1.17. In order to form a good relationship with local residents, the company has a 'Good Neighbour Policy', to explain how they will work with residents in the area, plus who to contact in the unlikely event of any problems.

1.18. It is a large house with gardens where the nature of the use will be similar to a dwelling house and hence not adversely affect the residential amenity of the area.

Conclusions

1.19. It is hereby requested that planning permission be granted for the use of Furlong as a children's home under class C2 of the Use Classes Order.