

DELEGATED DECISION REPORT

SMD/2023/0186
Valid 14/04/2023

18 EPWORTH HOUSE
HALLS ROAD
BIDDULPH

LAWFUL DEVELOPMENT
CERTIFICATE FOR AN
EXISTING USE AS A
CHILDREN'S CARE HOME
WITHIN USE CLASS C2

(CERTIFICATE OF
LAWFULNESS - EXISTING)

PROPOSAL

The Certificate is sought to confirm the use of the property as a children's care home within Use Class C2, on the basis that the use began more than 10 years before the date of this application, and continues in this use.

THE ISSUES

Does the evidence submitted demonstrate on the balance of probability that the use of the property has carried on continuously for 10 years.

DESCRIPTION OF SITE

The application property is a detached house in Biddulph. Epworth House, 18 Hall Road, Biddulph.

CONSULTATIONS

Parish Council, ward members and neighbours have been consulted but no consultation responses received. A site notice has also been posted outside the posted. At least 21 days have passed since the letters were sent and the notice posted.

OFFICER COMMENTS

The Certificate is sought to confirm the use of the property as a children's care home within Use Class C2, on the basis that the use began more than 10 years before the date of this application, and continues in this use.

The applicants case

The application documents submitted indicate that this property was registered with Ofsted on the 3rd July 2007. The home was allocated the reference number SC356327 in this letter and an address is stated as:-

Epworth House

18 Halls Road
Biddulph
STOKE-ON-TRENT
ST8 6DB

The home was inspected by Ofsted on numerous dates and the report from the inspection has been provided each indicated that Ofsted were inspecting a children's home. No geographical location is provided in these reports but the reference number SC356327 is given on each of these reports which the number which applies to the application properties

There are 23 of these reports dating between Nov 2009 and Feb 2023 with only one major gap in the reports between April 2021 and Jan 2023. However, the premises appears to currently be in use for the use in question and there is no evidence to suggest that the use was not continuing during the period not covered by the reports.

While it is common for signed affidavits to be submitted to support these types of application none has been submitted in this case.

There is no evidence to suggest that the information submitted by the applicant is incorrect or inaccurate and therefore it is considered that the use of the building has occurred in the building for 10 years with no indication of a break it is thus considered acceptable to issue this certificate.

OFFICER RECOMMENDATION :

That a Certificate be issued for the following reason:-

That the premisses has been inspected by Ofsted on numerous occasions and this has shown on a basis of balance of probability that the premises have been used for a children's care home for the last 10 years with no breaks. .

OFFICER RECOMMENDATION : APPROVE

Case Officer: Alan Lynch

Recommendation Date: 09/06/2023

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council