



ET Planning

Planning Statement

Client:

Crystal Management Holdings

Croft Cottage

Certificate to demonstrate that no development is occurring in the change of use from dwelling to childrens home.

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1. Introduction

- 1.1 This statement is produced to support an application for a Certificate of Lawfulness at Croft Cottage, Leek Road, Werrington, ST9 0DQ ('the Site') on behalf of Crystal Management Holdings ('the applicant').
- 1.2 The Certificate seeks to establish that a material change of use is not occurring from the lawful use of the site as a dwellinghouse, and that no material change of use would occur thereby negating the need for planning permission.
- 1.3 The proposal is for **three children**, aged 11 to 18, who are under the care of the Local Authority, to reside at the property. Each young person will receive one-to-one care, resulting in the presence of **three on-site care staff**.
- 1.4 In addition to this planning statement, the application is accompanied by the appropriate application forms and ownership certificate, duly signed and completed, as well as a Location Plan, outlining the extent of the site.
- 1.5 The relevant application fee will be submitted by the applicant separately.

2. The Applicant

- 2.1 Crystal Care Solutions, established in October 2006, is a specialist provider of tailored social care services for children and young people.
- 2.2 The organisation has a proven track record of delivering a range of residential and supported accommodation services across England and Wales, designed to meet both planned and emergency care needs.
- 2.3 Currently, Crystal Care Solutions operates 15 Ofsted- and CIW-regulated residential children's homes, catering to individuals aged 8 to 19. These homes vary in capacity from solo placements to five-bed settings and are located across Staffordshire, Cheshire, Greater Manchester, Merseyside, Oswestry, and Flintshire. Several of these homes function as therapeutic settings, providing enhanced support for young people with complex emotional or behavioural needs. Notably, 50% of the homes are rated as outstanding.

3. Site Location and Description

- 3.1 The 0.10 hectare site comprises a three-storey dwelling, outbuildings, hardstanding and green space located to the east of Stoke-On-Trent.



Figure 1: Croft Cottage, Leek Road, Werrington, ST9 0DQ Source: LandInsight

- 3.2 The property is immediately adjacent to another residential property to the south. There is also a business located to the west of the property is a paint manufacturing business. The character of the immediate area is predominantly rural.
- 3.3 The site is located in close proximity to Moorside High School (16 minute walk), Werrington Parish Sports Ground (16 minute walk) and Shukers Farm Shop (18 minutes). Mantra Indian Restaurant is located to the north of the site (9 minutes).
- 3.4 The Crossroads Bus Stop is located 0.5 miles to the north of the site. This provides a regular service to Hanley, Stoke-On-Trent and Uttoxeter and Upper Tean.

4. Development Proposals and Contextual Information

- 4.1 The site relates to an existing 5-bedroom dwelling house. The proposal is for 3 children under the ward of the Local Authority to live at the property.
- 4.2 In terms of staffing there will be a rota system with 3 member of staff at the property that care for the children. These staff will report to a care home manager. The manager is akin to a visitor, as they will not be permanently based at the property.
- 4.3 The rotas are planned to ensure minimal changes for children and a consistent 'parenting' group. Once the staff member arrives in the home, they do not leave for at least a 24 hour period which reduces staff movement in and out of the home.
- 4.4 The changeover period is at 08:00 and the staff normally work two days on and four days off so the handover is normally every two days which limits traffic in and out the home.
- 4.5 The shift pattern meets Ofsted regulations for children's homes and working time regulations for the care sector. The rota pattern is very common across children's homes to ensure a consistent group of staff and limited change as per the average family setting.
- 4.6 There is ample off-road car parking at the property, with **in excess of 8 parking spaces** provided on site. This is considered to be more than adequate for **3 staff members** (they also have public transport options). A house car will also be available for use by staff for any movements required by the children (see Fig 1).
- 4.7 The property was previously used as typical family dwelling. Whilst this is for contextual purposes only, the point reinforces the fact that

there is no change when comparing the ‘proposed’ and ‘existing’ situation.

- 4.8 The following table further compares the **daily movement patterns** on site (existing and proposed):

<i>Existing movements (indicative)</i>	<i>Proposed movements</i>
<i>School runs- x4 (at 8:30am and 3pm)</i> <i>Shopping trips – 2 per week</i> <i>Work travel – x2 (at 8am and 6pm)</i> <i>Shopping/online deliveries – x1 (at 1pm)</i> <i>Visiting friends / having friends visit – 4pm</i>	<i>School runs – x3 (at 8:30am and 3pm). Car share will take place if possible.</i> <i>Shopping trips – 1 per week</i> <i>Adult/shift changeovers – x3 (at 8am every two days only)</i> <i>Shopping/online deliveries – x1 (at 1pm)</i> <i>Visiting friends / having friends visit – 4pm</i> <i>Social Worker visits – 6 weeks on average – they do not necessarily need to visit the home in order to undertake their work</i> <i>Care Staff Manager –Attendance Monday to Friday during daytime hours (09:00 – 17:00).</i>

Fig 1: Daily movement patterns

- 4.9 There are no works required to facilitate this change.
- 4.10 As with any typical household, future upgrades may be considered. Any such changes would be minor in scale and would not result in an intensification of use beyond that of a standard family home.
- 4.11 The property will provide a much-needed, family-style home for vulnerable children who are unable to live with their families.
- 4.12 Staffordshire Moorlands has recently approved a number of certificate of lawfulness application at 19 Meigh Road, Werrington, Staffordshire, ST9 0JY (Planning Reference: SMD/2025/0045). This Decision was taken by the council’s Planning Committee.

4.13 Several other Certificate of Lawfulness applications have been approved by other councils, representing a nationally consistent approach. These approvals add further weight to the proposal. Due to the nature of this application and in the interest of consistent decision-making, these examples are relevant material considerations in the determination of this application. These examples include:

- 22/01048/LDPU – 254 Old Worting Road, Basingstoke, RG22 6PD (**Appendix 1**)
- 22/02240/LDPU – 38 Impstone Road, Pamber Heath, RG26 3EQ (**Appendix 2**)
- 20/02131/LDPU – Silver Birches, Pamber Heath, RG26 3EB (**Appendix 3**)
- 22/00631/LDPU – Cap D’or, Bramley, RG26 5BW (**Appendix 4**)
- 23/00575/LPDU – Willowbrae, The Glen, Pamber Heath, Hampshire, RG26 3DY (**Appendix 5**)
- 7 – 2023 – 11369 – A – 40 Ensbury Park Road, Bournemouth, BH9 2SJ (**Appendix 6**)

5. Assessment of Proposal

5.1 Section 55(1) of the Town and Country Planning Act 1990 defines the meaning of 'development'. Included within this definition is a material change in the use of any buildings or other land. Section 55(2) sets out what operations or uses of land which shall not be taken to involve the development of the land. These include:

- *(f) In the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same use class. (emphasis added)*

5.2 The definition of Class C3 in the Town and Country Planning (Use Classes) Order as amended reads:

- *Use as a dwelling house (whether or not as a sole or main residence)*
by —
 - *(a) a single person or by people to be regarded as forming a single household;*
 - *(b) not more than six residents living together as a single household where care is provided for residents; or*
 - *(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).*

5.3 The North Devon District Council v First Secretary of State and Southern Childcare [2003] goes on to state that the definition of a household is not exclusively related to the number of people.

5.4 The consideration is therefore turned to whether the proposal comes under Class C3 (notably (b)) or a change of use has occurred, in particular to Class C2 (residential institution) which is:

- *Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).*
- *Use as a hospital or nursing home.*
- *Use as a residential school, college or training centre.*

5.5 North Devon District Council v First Secretary of State and Southern Childcare [2003] explored the definition of a household (it concluded that this is not exclusively related to the number of people). Therefore, consideration as to whether residents make up a single household will depend on the specific facts of each case.

5.6 Case law and appeal decisions demonstrate the idea of living together as a single household is determined by several of the criteria below:

- *Living conditions – general layout of the dwelling house is that of a conventional residential dwelling for private domestic use.*
- *Communal use of areas such as a living room, kitchen, bathrooms /shared utilities amongst the residents;*
- *Carrying out of household duties together such as cooking, cleaning, shopping / an agreed rota;*
- *The residents are capable of running the house as a conventional residential dwelling;*
- *The nature of the relationship between the residents (a material consideration but it is not determinative);*

5.7 The North Devon Case Law outlines there also needs to be an assessment of whether a material change of use would occur from the existing situation. As such, this is a two-stage assessment process. In particular this would assess whether the change of use was material taking into account the activity of the site compared with the use as a dwellinghouse.

- 5.8 Furthermore, in an appeal in Brecon Beacons National Park (reference APP/P9502/X/12/2205394, decision date 18/02/2014) (**Appendix 10**), it was found that the change of use from a family dwelling to a community home for 5 young persons would not be material at that, as such, it would not require planning permission. The Inspector concluded at paragraph 19 that the proposal would display many features of a family dwelling, for example it was intended that staff would seek to provide a stable family environment for those in care, and that the overall number of children was small, and that the coming and going of staff and family would not materially impact on the surrounding area.
- 5.9 A further material consideration for the determination of this application is the recent written ministerial statement from Rachel Maclean, Minister of State for Housing and Planning, dated May 2023 (**Appendix 11**). This states that:
- "Planning permission will not be required in all cases of development of children's homes, including for houses in Class C3 of the Use Classes Order 1987 where the children's home remains within Class C3 or there is no material change of use to Class C2. An application to the local planning authority can be made for a lawful development certificate to confirm whether, the facts of the case, the specific use is or would be lawful. Where a Certificate is issued, a planning required for the matters specified in the certificate."*
- 5.10 The proposal is to all intents and purposes, a family home. The children will live in the house semi independently under the care of surrogate parents, eat meals together, share the living rooms, bathrooms and sleep under the same roof. It is our view that it would be unreasonable to treat this family sized unit any differently, simply

on the basis that the children are unable to reside with their birth parents, normally as a result of circumstances beyond their control.

- 5.11 In respect of the above, we consider that a material change of use is not occurring from the lawful use of the site as a dwellinghouse.
- 5.12 The nature of the proposals (including the duration of the stay), and the number of people on site (and resultant activity and movements) would not be materially different from the lawful use of the site as a dwellinghouse.
- 5.13 The proposal will operate in a very similar way to a normal family home, functioning as a single household, with carers undertaking typical tasks such as cooking and cleaning associated with a typical dwellinghouse.
- 5.14 Therefore, based on the characteristics of the proposals and informed by relevant case law and appeal decisions, we consider that the proposal would not amount to a material change of use from the lawful use of the site as a dwellinghouse.
- 5.15 In respect of the above, we consider that a material change of use is **not occurring** from the lawful use of the site as a dwellinghouse.
- 5.16 The nature of the proposals (including the duration of the stay), and the number of people on site (and resultant activity and vehicle movements) would not be materially different from the lawful use of the site as a dwellinghouse. The proposal will operate in a very similar way to a normal family home, functioning as a single household, with carers undertaking typical tasks such as cooking and cleaning associated with a typical dwellinghouse.
- 5.17 There are strong public transport connections in close proximity to the home, which in itself has off road car parking spaces. Therefore

the potential for parking disruption is extremely low. Overall, there would be no tangible impact on the road network and thus, no harm to highways.

- 5.18 There will be 1no. house vehicle at the property which will remain parked on the front driveway overnight.
- 5.19 The planned staff rotas will reduce traffic to and from the home and a house vehicle will provide transport to children. Again, this will be similar to the average family home with trips to the shops, schools and activities. These movements are more often than not during non-peak hours and as such, we consider that the traffic movements associated with the proposal would actually have less overall impact on the locality for this reason.
- 5.20 In respect of the care home manager, their presence at the property would be akin to a visitor i.e. they would not have the permanence of a child carer, with regard to the amount of time they would spend at the property as they would only attend during certain time periods as detailed elsewhere in this statement. However, the appeal follow also finds that additional individuals can form part of the wider 'family' for periods of time without a material change of use occurring.
- 5.21 Appeal ref. **APP/D4625/X/06/2013826 (Appendix 12)** discusses the presence of an additional adult at paragraph 4, stating that *'the additional presence of a home manager as a third adult would not be a material change of use by comparison to the former tenants who had family members from abroad staying with them for long periods of time and who employed a child carer.'*
- 5.22 This point has also been previously considered under appeal reference **APP/K2420/X/11/2155849 (Appendix 13)** for a

similar proposal in Hinckley, Leicestershire. Paragraph's 11-13 are of relevance to this proposal. Looking firstly at Paragraph 11, the inspector notes that *'At any one time, and excluding short-term changeover periods in the early mornings and mid-afternoons, there would be up to three children and three carers present.'*

- 5.23 Paragraph 12 then states that *'in refusing the LDC, staff numbers are cited by the Council as the sole cause for concern. However, looking at the numbers involved, they are not materially different from what might be expected of a large family house in which, say, a parent and two teenagers or young adults live together and each uses a car to get to work or college and for socialising. Peak daytime vehicle movements, setting aside the potential for the use of car sharing or public transport by staff, coincide broadly with school run periods when there would be similar activity associated with neighbouring properties and the locality in general. Transport associated with school and weekend outings would not be an untypical occurrence in a family house. Up to two vehicles departing from the property late at night would not, on its own, be a sufficient basis for determining that a materially different character of use would be taking place.'*
- 5.24 Paragraph 13 finally concludes that *'I acknowledge that the Council, in its statement, highlights that these figures are qualified by reference to "normally" and that the potential exists for greater staff numbers to be at the property to deal with particular difficulties. However, this should be regarded as an exception and not part of the typical day-to-day operation of the home.'*
- 5.25 Therefore, based on the characteristics of the proposals and as duly informed by relevant case law and appeal decisions, we consider that the proposal would not amount to a material change of use from the lawful use of the site as a dwellinghouse.

6. Conclusion

- 6.1 This statement has demonstrated that the proposal accords with C3(b) of the Use Classes Order. If the Council are of the view that the use falls within C2, this statement has also demonstrated that the use of the property would not constitute a material change of use compared to its lawful use (as per North Devon District Council v First Secretary of State and Southern Childcare [2003]).
- 6.2 Regardless of how the Council seek to assess the application, the certificate for the proposed use can be granted.
- 6.3 Furthermore, relevant case law has been considered as part of this application and adds further weight to the proposed argument put forward as part of this application. This is in addition to recent Government guidance on this topic, which strongly supports the urgent provision of new children's homes.



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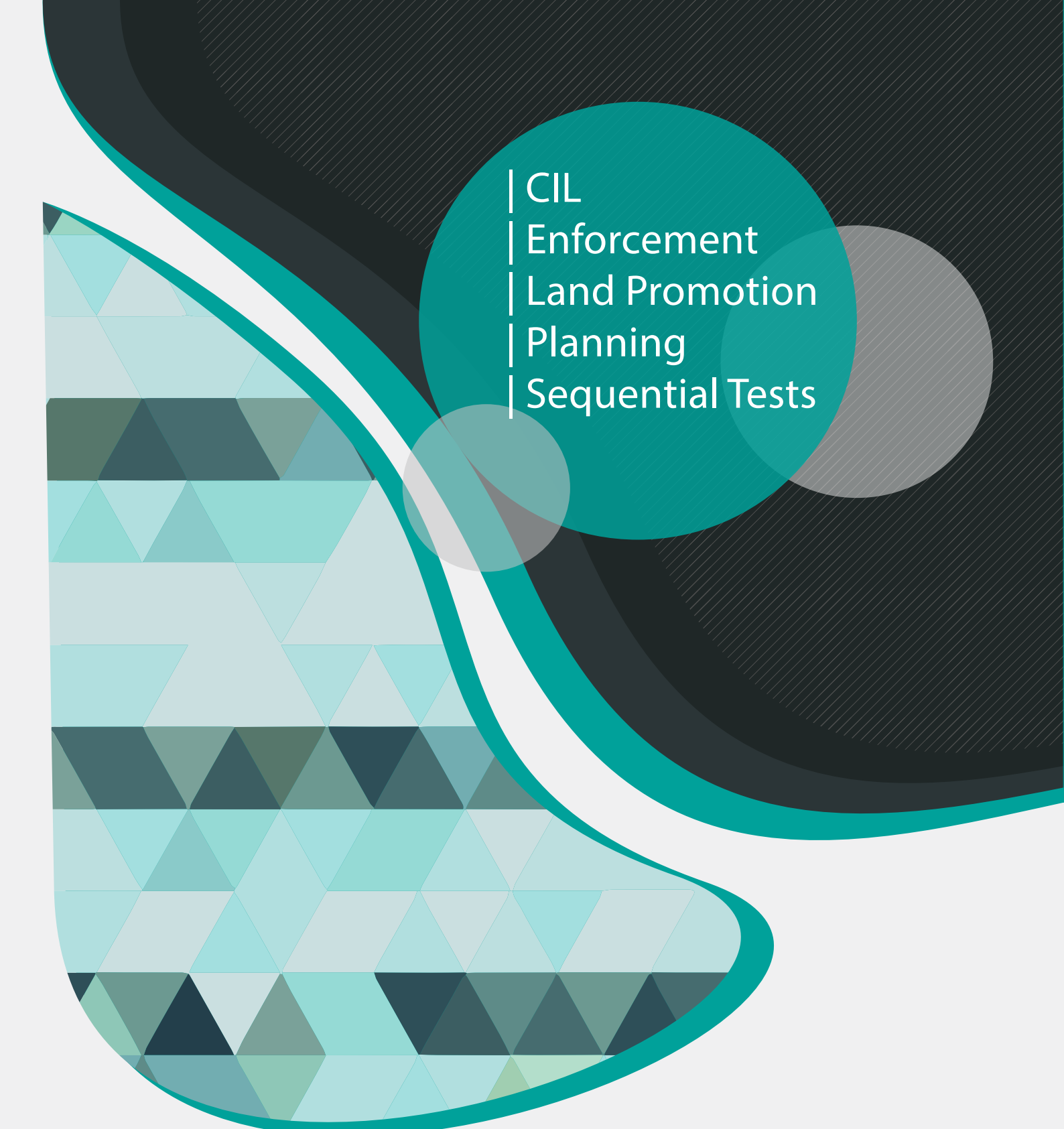


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