



Planning

Planning Statement

Client:

Storyy Homes and Group

4 Downshire Square

Reading RG1 6NJ

*Certificate application for a children's home to
operate within Use Class C3*

Katie Walker **BA(Hons) MSc MRTPI**

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1. Introduction

- 1.1 This statement is produced to support an application for a Certificate of Lawfulness for the use of the existing dwelling as a children's home at 4 Downshire Square, Reading RG1 6NJ .
- 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 up to 3 children to live at the property. In addition, there will be a maximum of 3 carers at the property at any one time.
- 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 The Storyy Homes and Group was established in 2022.
- 2.2 The company have 4 other supported accommodation properties (16+) and 2 children's home across the wider region, with a certified OFSTED registration. This was passed following an inspection in the first quarter of the year.
- 2.3 The company aims to provide high quality homes for children and young people so that they have a stable and nurturing environment to enjoy their childhood and achieve the best possible outcomes for their future. In this respect, the applicant aims to create a home that

replicates the typical functioning of a nuclear family dwelling so as to give the young people who live there as normal a life as possible especially for when they are unable to live with their parents through no fault of their own.

3. Site Location and Description

- 3.1 The site is an existing six bedroom detached bungalow with accommodation in the roofspace. The property has a driveway leading to 4 parking spaces.
- 3.2 Planning permission was granted in March 2023 for *“the demolition of the single storey side extension, relocation of the dwelling rear door, creation of a new vehicular access and parking area to the north part of the site, with vehicular turntable, existing vehicular access blocked up, replacement low brick wall and piers with metal railings and central front gate to house, including external and landscaping works”* (application reference 22/1576). This has been carried out.
- 3.3 The site is located along a typical residential street and is within the defined settlement boundary.
- 3.4 The site is located within Tilehurst, with a number of local facilities and amenities in the nearby area including All Saints Infants and Junior schools; All Saints Church; and supermarkets and facilities on Tilehurst Road.
- 3.5 The site is located in close proximity to public transport services with numerous bus stops located on the Bath Road, providing regular services to Reading. Overall, it is well-connected and in a highly sustainable location.

4. Development Proposals and Contextual Information

- 4.1 The site relates to an existing 6 bedroom dwellinghouse which is in Class C3 use.

- 4.2 The proposal is for up to 3 children aged between 5 and 16 years of age to live at the property.
- 4.3 Whilst the duration of the stay for children will vary depending on the needs of the individual child, it is anticipated that the property would be the long-term home for the children with a minimum stay of one year. The property would be the children's primary living accommodation, for the duration of their stay.
- 4.4 In terms of staffing, there will be a rota system with no more than 3 members of staff at the property at any one time. The rotas are planned to ensure minimal changes for children and a consistent 'parent' group. Once the staff member arrives in the home, they do not leave for at least a 12 hour period, which reduces staff movement in and out of the home.
- 4.5 The changeover period occurs between 10am and 10pm. Staff are employed to work a 40-hour week and will follow the set shift pattern accordingly. Handover periods may lead to a **temporary** increase in staff numbers at the property, however, the parenting group would then revert back to the norm; as detailed elsewhere in this statement.
- 4.6 The shift pattern identified 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.
- 4.7 There is off-road car parking at the property with 4 spaces provided on site via the existing driveway.
- 4.8 To clarify, no external changes are required to the property.

- 4.9 The property will provide a much-needed care home for vulnerable children who are unable to live with their families. It will continue to provide much needed places for local children.

5. Assessment of Proposal

- 5.1 A similar proposal was granted planning permission by Reading Borough Council on 22 December 2023 at 136 Wantage Road, Reading RG30 2SF, application reference 231498 (Decision notice attached at **Appendix 1**). The proposal was for a children's home and the certificate stated that "it can be confirmed that the proposed use falls within the lawful use of the site as a dwellinghouse (Use Class C3) provided that the facility would always have a ratio of at least 1 registered carer to 3 children at all times". This is comparable to this application, which would also house 3 children, with up to 3 staff members on site during the day; and 1 overnight staff member, with a maximum of 3 at any one time. The proposal would therefore meet the ratio of '*at least 1 registered carer to 3 children*' as approved under 231498 and a consistent approach should be taken in assessing this certificate.

- 5.2 During the preparation of this application, the applicant undertook a review of similar applications that have been assessed by nearby Councils, the following applications were noted as being of particular relevance, due to their similarities in terms of quantum of children to carers:

- 22/01048/LDPU – 254 Old Worting Road, Basingstoke, RG22 6PD (**Appendix 2**) 4 children, 2 carers
- 22/02240/LDPU – 38 Impstone Road, Pamber Heath, RG26 3EQ (**Appendix 3**) 2 children, 2 carers
- 22/00631/LDPU – Cap D'or, Bramley, RG26 5BW (**Appendix 4**) 3 children, 2 carers

- 23/00575/LDPU – Willowbrae, The Glen, Pamber Heath, Hampshire, RG26 3DY (**Appendix 5**)
- 19/03192/CERTP – Woodside Farm, Oare Hermitage, Thatcham, RG18 9SG (**Appendix 6**)
- 24/00625/CLPUD – Tarnwell, Downshire Way, Bracknell RG42 1XT (**Appendix 7**)
- 20/02131/LDPU – Silver Birches, 9 Silchester Road, Pamber Heath, RG26 3EB (**Appendix 8**) – 4 children, 4 carers
- 24/00696/LDPU – 7 Burney Bit, Pamber Heath, RG26 3TJ (**Appendix 9**) – 4 children, 3 carers

5.3 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)*

5.4 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).*

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

5.6 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.*

5.7 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.

5.8 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);*

5.9 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.

5.10 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.

5.11 The Inspector concluded at paragraph 19, that the proposal would exhibit 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, that the overall number of children was small, and the coming and going of staff and family **would not** materially impact on the surrounding area.

5.12 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

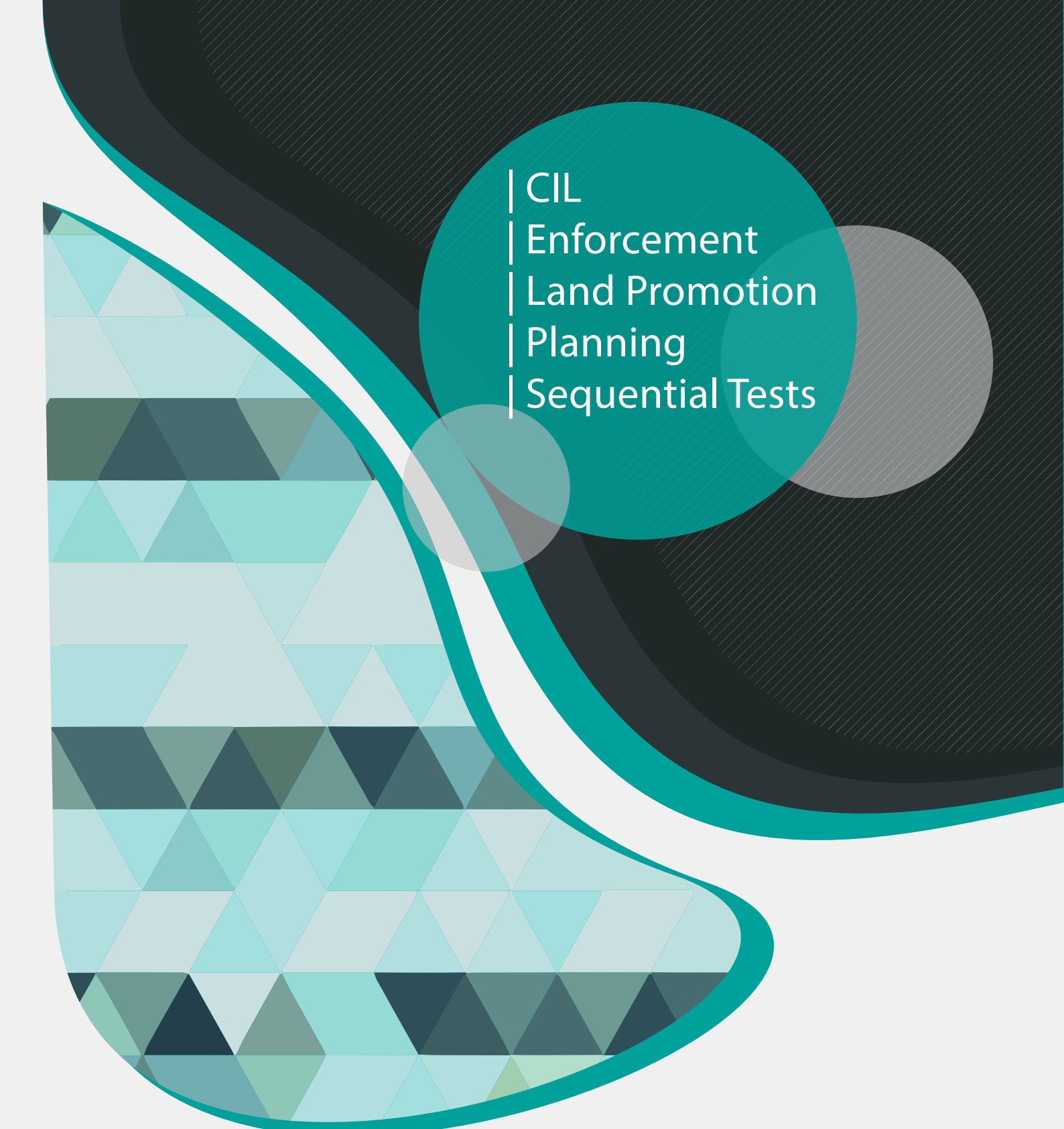
is or would be lawful. Where a Certificate is issued, a planning required for the matters specified in the certificate.”

- 5.13 The proposal is, to all intents and purposes, a family home for children aged between 5-16 to live in the house under the care of carers, in essence surrogate parents. This will function akin to a family household, whereby they 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 who will reside in the property are unable to reside with their birth parents, normally as a result of circumstances beyond their control.
- 5.14 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.
- 5.15 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.
- 5.16 There are strong public transport connections in close proximity to the home, which in itself has 4 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.
- 5.17 There will be 1no. house vehicle at the property which will remain parked on the driveway overnight.

- 5.18 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 use of the property as a 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.
- 5.19 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 when compared to its lawful use (as per *North Devon District Council v First Secretary of State and Southern Childcare* [2003]). Regardless of how the Council seek to assess the application, the certificate for the proposed use can be granted. This is consistent with decisions in Reading Borough Council and other nearby councils.
- 6.2 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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Contact

Address

200 Dukes Ride RG45 6DS

Phone

01344 508048
01865 507265
01483 363950
01743 612043
01392 691384

Web & Mail

Email: office@etplanning.co.uk
ET Planning Ltd | 10646740

Web: www.etplanning.co.uk