



Our ref: C521

Date: Tuesday, 14th September 2021

222 Branston Road  
Burton on Trent  
Staffordshire  
DE14 3BT

Planning Manager  
North Northamptonshire Council - Wellingborough Area  
Swanspool House,  
Doddington Road,  
Wellingborough,  
NN8 1BP

**Dear Sir,**

**RE: CERTIFICATE OF LAWFULNESS OF PROPOSED CHANGE OF USE OF DWELLINGHOUSE (CLASS C3) AS A RESIDENTIAL CARE (CLASS C2) FOR TWO CHILDREN AT 7 MOORLANDS, WELLINGBOROUGH, NORTHANTS NN8 5QS**

With reference to the above 4 bedroomed residential property which falls within Class C3 under the Town and Country Planning (Use Classes) Order 1987 (as Amended), my client Esland Group who operate care homes for children throughout the Midlands and wider UK wish to use the property as a residential care home for 2 children with 2-3 staff, two of which would sleep there overnight.

Esland Group are a leading UK provider of Residential Childcare and educational services for children who have experienced trauma and significant unrest in their lives, they provide a place of safety from which they can build meaningful connections and positive relationships. With a child-centred approach, Esland Group shape their services around the needs of each individual, helping them feel safe to progress into a positive and stable future.

Over the last 15 years, Esland Group have pioneered a child-focused approach with needs-led pathways that nurture, build connections and strengthen. With a unique combination of senior expertise and a best-practice approach based on leading evidence from around the world, Esland Group deliver adaptive care and support that has a positive and lasting impact.

The age of the children would be between 8-18 years old with 2 sleep-in carers operating a 48-hour rota system, on site at any one time plus a manager. They would live as a single household providing care for the child.

There would be limited visitors to the site as most professional meetings are held in a neutral environment off-site. Whilst the traffic movements to and from the site would be no greater than an average 4 bedroomed dwellinghouse.

No internal or external alterations are being proposed to the property

*Planning Services & specialist in Section 106 Agreements & Enforcement*

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Under the Town and Country Use Classes Order 1998 (as Amended) a **C3 Dwellinghouses** (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).*

To expand on this:

- *C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child*
- *C3(b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.*

However, due to the fact that the none of the staff would be living at the property as their main residence the proposed use falls within Class C2 of the Use Classes Order.

The case of *North Devon District Council and the First Secretary of State (Queen's Bench Division 30<sup>th</sup> January 2003)* makes it clear that it is possible to make a change of use from C3 to C2 without the change being material, and therefore requiring planning permission.

Given the scale of the proposed use and the level of daily activities which is not dissimilar to that of a 4 bedroomed dwelling, along with the fact that no external or internal alterations are proposed the property to all intense and purpose would continue to appear as a dwelling house.

Therefore, please can you confirm that this is the case through the issuing of a certificate of proposed development?

I trust that this information is satisfactory for your purposes and look forward to receiving your confirmation in due course. However, should you have any questions, or require any further information, please do not hesitate to contact me.

Yours sincerely

*Aida McManus*

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