

# Application For A Certificate of Lawfulness Section 192 TCPA 1990

21 Limebrest Avenue  
Thornton Cleveleys  
Lancashire  
FY5 5AT

**PREPARED ON BEHALF OF**

**Guidance Care Ltd.**

**Alan Jones**  
Chartered Surveyors

275 Church Street  
Blackpool  
Lancashire  
FY1 3PB

T: 01253625400  
E: [info@ajuk.com](mailto:info@ajuk.com)

October 2023



## 1. Introduction

1.1 This is a supplementary statement in support of the application for a Certificate of Lawfulness for the use of the property situated at 21 Limebrest Avenue, Thornton-Cleveleys FY5 5AT as a care home for 2 young persons aged between 8 and 18 years old. The methods of operation and further details are set out in this statement. *The application is for a Lawful Development Certificate to use a C3 residential dwelling as a children's home for the care of up to two children aged between 8 and 18 years old to be supported by two staff throughout the day and night.*

The application is submitted on the basis that the existing and proposed uses fall within Class C3 i.e., from Class 3a to 3b. As a consequence, planning permission is not required for the proposed use.

1.2 The application is also supported by existing and proposed floor plans and the application form.

## 2. Site Description

2.1 The location plan, below, identifies the site — edged red — within its built context. The property is located within the heart of the village. The immediate built context presents a mixture of both residential properties with garden frontages and commercial enterprises. In most cases, the frontages of the dwellings contain a balance of landscaped space and hard surfaces to accommodate private vehicles. The property contains an integral garage.

The dwelling is slightly recessed from the adjoining commercial properties, which contain frontage forecourts. It has a large rear garden. The property contains four bedrooms located at first floor level, with one of the bedrooms accommodating an ensuite bathroom.

2.2 The description of the use and how it operates is set out in this statement. The property is situated on a residential estate of similar sized buildings. The relevant issue, is whether the use of the property would have an impact on the character of the locality, and these factors have been taken into account. The use of a three bedroomed dwelling and its potential associated activity is compatible with the residential area.



The site at Limebrest Avenue comprises of a large detached property within an residential area with a relatively wide, frontage to the highway, for forecourt parking and large rear garden.

The proposed use is considered to have no material impact on the use and character of the property and the immediate neighbourhood and remains as a Class C3 use.



*Location Plan with the site edged in red.*

### **3. The Proposed Use**

The principle of the use is that the dwelling will provide accommodation for up to two children. They will effectively live together with the appropriate level of care and guidance, no different than as might be expected in a normal family situation. By definition, children always require care and will live together in an integrated way. The only difference is that they will require adequate and appropriate care provided by staff of the company who will visit the premises. Since the company is relatively small, the carers will become well known to the children providing the essential stability associated with normal family life. The nature of the use will be wholly residential in character and its associated external activity that may normally be associated with what, in fact, is a traditional dwelling within a residential estate of similar property.

### **4. The Method of Operation**

4.1 The operation of the use will require carers to attend the property. The case is presented that the level of vehicle and pedestrian movement will be no greater than that which may be experienced or expected in the case of a property — and this large property - within this location. In other words, there will be no discernible or material difference in the level of normal family occupation and associated activity, potentially less so, in view of the overall floor space. The use of the premises will retain its suburban residential character proportionate in use, operation and activity as might be expected in C3 residential circumstances.

4.2 The use of the premises will be operated by Guidance Care, which is a specialist company. It works alongside local authorities and other organisations that are collectively dedicated to providing care and support for children who, it is considered, should enjoy as normalised home environment as is possible. This naturally includes living in a stable residential environment supported by the appropriate level of care, specifically tailored to their individual needs. The proximity to schools and other amenities and facilities is part of the selection process in identifying the appropriate type and location of a property.

4.3 Guidance Care employ specialist and qualified staff to support the care for the children. The Company employs up to 9 staff, but this is so as to provide the level of expertise and cover to provide the level of care appropriate to the children who will reside at the property - and their individual needs. This care will of course include 'parental' care as would apply in the case of any child growing up within any household.

4.4 As in any household situation, the children will require 24-hour care and support. This will therefore necessitate a pattern of care based around a shift pattern. Guidance Care, as a specialist care provider, operates a pattern of supportive care that has been perfected.

4.5 Of the three bedrooms existing at the property, two will be occupied by the two children. The property will also include a sleep over bedroom for a member of staff, an office and kitchen and bathroom facilities —all shown in the floor plans.

As regards to staff operation, the following pattern has been established:

- The typical day operates as follows: 7.30 to 8.00 am. 2-day staff arrive to site. In turn they will take the child/children to school, tutor, friends' etc. if and as appropriate and provide appropriate 'care'.
- 7.30 to 8.00 am. 2-night shift members leave. 1 x wake watch and 1 x sleep in 9.00 am. House manager arrives and is at the premises for the working day - 9 am until 5 pm. A maximum number of 3 staff during the working day at the premises.
- 5.pm. House Manager leaves the premises. 10 pm. — 10.30 1-day staff member leaves for the night care shift to take over. One day staff member remains in the home and sleeps over 10pm.
- 1 staff member arrives for the night shift and leaves at 7.30 - 8 am.

The conclusion as regards to staff traffic movements (assuming that staff always arrive by car and likewise park on site—and some staff may well walk to and from work) is as follows: Arrivals 4 Departures 4

4.6 As will be noted, the level of traffic movement and generation is minimal. It is appreciated that there may well be additional trips associated with the use. However, these are proportionate to residential occupation that could well apply to this relatively large residential house within its residential area. Car parking is available on site with 3 spaces provided, with street parking that is genuinely available as is the case with all of the properties along Limebrest Avenue.

4.7 The property benefits from a large garden at the rear with an attractive outlook and adequate play space. The property is separated from neighbouring dwellings ensuring a high level of mutual privacy and the site contains significant enclosure as a result of boundary demarcation. Thus, the use of the external space for the two children, comprising of a small household, is likely to result in patterns of use that would be no different than that which might be expected with 'standard' occupation of a property of this size.

4.8 The floor plans submitted as part of the application illustrate how this is a sizeable property, with generous room sizes, provide for a generous level of floor space with well-proportioned rooms. Taking into account visiting or the one 'sleep over' carer represents a relatively low level of overall occupation even at its maximum and is entirely 'residential' in outward character.

4.9 Any site visits to the premises for example, friends, family, deliveries and the like will be no different than that which might be expected in any commonplace residential situation.

## **5. Conclusion**

5.1 This application proposes the use of the property as a care facility that is believed to fall within Class C3 of the Town and Country Planning (Use Classes Order 1987) as amended. Planning permission is not required for the use and a Certificate of Lawfulness can be granted. By way of summary the key aspects, in reaching this conclusion, are as follows.

5.2 The facility relates to the care of a nominal two children, which is directly comparable numerically, to what may reasonable be assumed to be a standard level of family occupation of a property of this type and size. In the case of this property, it contains three bedrooms that would suggest a potential intensity of residential occupation and its internal and external effects could be considerable, taking account of the level of supervision that is accurately predicted as described in the statement, including a resident overnight carer.

The arrivals and departures of the care staff will be insignificant and momentary and will not present any discernible or material increase in activity that will result in a reduction of residential amenity to adjoining neighbours.

5.3 A property of this scale and the locality in question are sizeable. It could accommodate a large family with associated vehicle and pedestrian activity that can naturally arise in a suburban location, where different levels of occupation and associated activity will vary from property to property. This use will not materially change the nature and use of the property that would take it outside what would normally be expected in a residential location such as Limebrest Avenue. However, of itself, the use of the dwelling will present no discernible effects that might be expected in a typical residential street.

5.4 There is in curtilage parking and on street parking for casual visits to dwellings in the street. This is apparent from a site visit. There will be no impact on traffic safety or visibility issues within Limebrest Avenue. The property is relatively large and will in fact propose a low level of occupation with two children and their carers who will seek to assimilate into the locality to enjoy a normalised life.

5.5 There will be no visual or other impact on the neighbourhood as a consequence. The site is accessible as regards to pedestrian access and public transport, which local staff may utilise. Otherwise, a collective 'pool car' may well be used by the company to assist staff. The property contains a large garden area.

5.6 Neighbouring properties includes a high degree of mutual privacy including party boundaries and landscaping.

5.7 The internal plan of the property provides a description of the internal arrangement with the bedroom's sizes as to be expected in a typical residential detached situation.

5.8 There are no physical alterations to the property. The property has a large garden more than sufficient for the use with, at most, modest use and probably less than might be expected with a property of this size. The level of care and supervision is specialised and the relationship with adjoining neighbours, such that there is a convivial relationship and no impact on the neighbouring properties. The overriding question may be: would the nature of the use proposed be compatible and neighbourly with the character and nature of this residential area as may reasonably be expected? This statement seeks to demonstrate that this will entirely be the case.

5.9 It is the overriding intention of Guidance Care that of necessity, the use should provide care for two children in a normalised suburban environment and that it will operate in such a way.

5.10 Certificates of Lawfulness have been granted in a number of local authorities for care facilities such as proposed within this application. There are also relevant appeal decisions that have 'favourably' considered these types of proposal. The overriding assessment is whether the use as proposed would be materially different from the potential or accepted use of the property as a dwelling. This includes an assessment of the type of operation and its likely associated activity. With the type of use proposed the conclusion would be, in applying these 'tests', that there would be no material difference.

The conclusion will hopefully be drawn that the premises will operate and appear as part of the suburban street scene with no alteration to its character and appearance with low level activity, being wholly appropriate to the locality. The nature, character and use of the property will both appear and function, as regards its outward appearance and level of operation as sitting comfortably and entirely integrated within the local neighbourhood.

Any further information as set out in the statement that may be required will be provided upon request.

*Daniel Jones*

**DANIEL JONES BSc(Hons) MRICS  
CHARTERED BUILDING SURVEYOR**

E-mail: [dj@ajuk.com](mailto:dj@ajuk.com)