

Guidance Note for Planning Officers Assessment of Change of Use: Dwelling House (C3) to Children's Home

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1. Overview

This guidance supports planning officers in making informed, legally robust decisions on applications proposing a change of use from a dwelling house (Class C3) to a children's home, whether dealt with under a Lawful Development Certificate (LDC) or a full planning application. It reflects established case law, national guidance, and legal advice obtained by the Council.

This note is not a formally adopted planning policy document and each case will need to be decided on the specific detail of that case, it is however intended to ensure a transparent and consistent approach to decision making.

The increased prevalence of applications for Lawful Development Certificates (LDC's) for this change of use and the impact they can have on local services and communities has prompted this note.

While the Council recognises the importance of adequate provision of Children Homes it also recognises the pressures that these can place on local services and communities.

The Council recognises the importance of adequate provision of Children Homes, particularly local sufficiency to provide homes for all our local children. However, it also recognises the pressures that Children's Homes can place on local services and communities.

These pressures are exacerbated through an oversupply of Children's Homes, where homes cater for children from other local authority areas. At April 2025, external children's homes within Westmorland and Furness supplied more than twice the number of placements than was needed by the Council. The corresponding pressures are therefore experienced by an increasing number of communities and services across the Council's footprint.

These pressures might include the below.

Increased demands on local services

- education - schools, specialist schools and alternative provisions
- health – doctors, dentist, hospital visits, health care assessments, CAMHS
- children's social care - have a duty to safeguard and promote the welfare of all cared for children in our area, therefore an increase in children from other regions increases service demands
- police - response to crime, arrests, absconding, exploitation and call outs

Impact on local communities

- safety - residents feeling less safe particularly in remote rural areas
- ageing population – the Council has a significant ageing population who can be and feel more vulnerable
- absconding – increased risk and anxiety for residents
- police attendance – can cause increased worry and concerns for residents
- parking and traffic – increase in shared locations due to staff and visitors, can be beyond normal residential use
- antisocial behaviour – potential increase such as trespassing.
- noise – increases particularly in quiet rural areas.
- community cohesion - children less likely to integrate and attend local education in short term homes.
- loss of residential property, especially in rural areas where there is already a challenge of supply and demand

2.Key legal framework

- **development** includes any material change in the use of land or buildings (TCPA 1990, s55)
- the **Use Classes Order 1987** groups uses into classes. C3 is dwelling houses; C2 is residential institutions
- a change from C3 to C2 may constitute development if it results in a material change in the character of the use
- whether a change is “material” is a **matter of fact and degree**, based on **land-use impacts**, not just the type of use or occupancy

3. When to require a Full Planning Application

Westmorland and Furness will generally require a **full planning application** when the proposed change:

- **alters the character of the use** significantly, including:
 - the introduction of **shift-based** staff rotas;
 - increased **comings and goings** over and above what we would be anticipate from a dwelling house the subject to the application.
 - frequent **external agency visits** (e.g. Ofsted, social services, police);
 - evident **security measures** (Extensive CCTV, secure fencing);
 - regular **vehicle movements** or parking demand in constrained areas

- is likely to **generate off-site impacts**, such as:
 - noise and disturbance beyond that expected of a family home;
 - **fear of crime** or anti-social behaviour (especially if evidenced);
 - **loss of residential amenity** or family housing supply in areas where there is demonstrable housing supply shortage (by way of reference to the SHENA)
- is **not demonstrably small-scale or domestic in character**
- proposes a **general Class C2** use rather than being limited to a specific children's home with defined occupancy and care model.

Note: An open C2 use allows any use within that class — including care for adults with drug or alcohol dependencies. Avoid issuing an unrestricted LDC for C2 unless fully justified.

4. When a Lawful Development Certificate (LDC) may be appropriate

An LDC may be appropriate **only** where, based on robust evidence, the proposed use:

- Is **functionally similar** in land-use character to a single dwelling
- Based on evidence from relevant third parties (police etc) of similar uses in the area are **not likely generate material external impacts** (e.g. noise, parking, police callouts, anti-social behaviour);
- Involves **no physical alterations** to the exterior or layout that would distinguish the building from neighbouring dwellings;
- Is **clearly defined and limited in scope** (e.g. "a children's home for two children with no more than two staff on-site at any time").

Note: If there is insufficient information to conclude that there would be **no material change**, the LDC should be **refused**.

5. Material Planning Considerations

The following factors may indicate a **material change of use** and support refusal of an LDC or grant of planning permission only subject to conditions:

a. Change in Character of Use

Staff working on shift rotas, 24/7 staffing, or rotating teams

b. Physical and operational impacts

- extensive security features (e.g. locks, alarms, CCTV, signage)
- emergency lighting or fire doors
- internal layouts that depart significantly from family accommodation

c. Amenity and Community Impacts

- noise, especially at unsocial hours
- parking stress in narrow or on-street areas
- increased traffic from staff, inspectors, and visiting professionals
- fear of crime or anti-social behaviour
- impact on **community cohesion**, particularly in small or rural communities

d. Cumulative Impact and Clustering

- presence of other similar facilities within close proximity
- potential for **cumulative pressure** on local services (schools, health care, social care)
- consider applying a **separation distance** based on local evidence

e. Sustainability and Local Services

- whether children would attend local schools
- reliance on transport for staff or tutors
- evidence from Police and other agencies regarding actual or expected burdens

6. Best practice: evidence and clarity

Full details on:

- number of children and staff
- shift patterns
- car parking and visitor arrangements
- any physical changes
- management plan (if available)
- local need for the facility

Scrutinise the application wording:

- is it for a specific children's home? Or an open C2 use?
- does the evidence match the scale and type of care proposed?

Use conditions and/or Certificate wording carefully:

- limit use to defined number of children and staff
- prohibit other C2 uses
- reference the submitted management plan

7. Final considerations

- all decisions must be **site-specific** and based on **fact and degree**
- maintain clear records of **planning judgments**, particularly in LDC cases
- where in doubt, **err on the side of requiring planning permission**, especially if the proposed use:
 - deviates materially from domestic character;
 - carries potential for community disruption;
 - is framed too broadly or lacks clarity

Contacts for further support

Nick Howard: nick.howard@westmorlandandfurness.gov.uk