Planning Inspectorate

Appeal Decision

by Ms S Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2026

Appeal Ref: APP/V4250/X/25/3361115
10 Ribble Drive, Wigan, WN5 9LX

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Miss Sian O'Neill against the decision of Wigan Metropolitan Borough Council.
- The application ref A/24/98115/LUCP, dated 31 October 2024, was refused by notice dated 23 December 2024.
- The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 (as amended).
- The use for which a certificate of lawful use or development is sought is a “children's care home for 1 child C2 Use”.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above, I have quoted the description of the proposal as set out on the application form. For clarity, the application sought a Lawful Development Certificate (LDC) for a change of use from a dwellinghouse (Use Class C3a) to a children’s care home for one child (Use Class C2). I note that the appellant has confirmed that no children with a Deprivation of Liberty Order would be accommodated.

3. Due to the nature of the issues set out below, it was not necessary to undertake a site visit.

Reasons

4. The main issue is whether a refusal to grant the LDC was well founded. This turns on whether the change of use from Class C3a to Class C2 would be material.

5. The applicant for an LDC is responsible for providing sufficient information to support an application. In the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved.[1] The planning merits of the case are not relevant.

6. The correct starting point for an analysis of whether a material change of use would occur is the actual use of the property compared to its proposed use. The actual use is a three-bedroom Class C3(a) dwelling. It would be reasonable to assume

[1] Paragraph: 006 Reference ID: 17c-006-20140306

that such a property would be occupied by a family. Families have visitors and they generate trips to and from the house.

7. The proposed C2 use would provide residential care for one child in what the appellant describes as a "*stable home environment*". The appellant has described future occupants as "*vulnerable children with specific needs*". The appellant's Statement of Purpose (SoP) indicates that the children cared for would suffer from emotional dysregulation and would have behavioural and social difficulties.

8. Typical profiles of children who might be placed in the home are described in the SoP. Overall, the profiles describe children with extremely difficult/traumatic life experiences and very complex needs. The Council says that children in sole placements are there because they are unable to live with other children or within a foster home.

9. The appellant's case is that the home would be "*no different to a dysfunctional family with troublesome children that could occupy the residential dwelling*…" However, it is not correct to compare the proposed use with a theoretical scenario. I have no evidence that the actual use of the house is by such a family.

10. In terms of staffing, there would usually be no more than two carers on site day and night. The appellant says that staff shifts would last 2 days and after the shift there would be a staff handover which would take about half an hour. She says that in addition, sometimes a manager would visit. She also says that a "Responsible Individual" would visit a couple of times a month and there may be visits by a social worker or other professionals which are likely to be monthly.

11. However, the Council, having taken advice from its own Children's Services, contests the number of visits to and from the property. It is their position that children who have profiles, such as those described by the appellant, would require intensive support from various professionals. Therefore, the Council believe that the visits would be higher than the appellant suggests.

12. I appreciate that each child would have different needs but overall, I find a lack of detail about what types of professionals might be involved; their likely number; and what the likely total visits might be. The brief details supplied are vague.

13. Even if I were to accept that the number of people coming and going to the property would be similar to that of a family home, I consider that the proposed use would be different to a C3 use. Families do not tend to have two 24-hour carers for one resident with additional visits from people overseeing their care and from other professional services. This kind of set-up seems to me to be an intensive form of care and would constitute a significantly different activity and environment to that which would normally be expected within a family household.

14. I will also consider off-site effects. According to the Council, Wigan is an area which is within the top 10% Index of Multiple Deprivation and is an area of depressed house prices. The Council says that this means that independent care providers are inclined to set up homes in areas where property is more affordable. This is resulting in children from other local authority areas being moved to Wigan. The appellant has not disputed this.

15. The Council says that there is abundant evidence that looked after children have greater than average support needs. To support its claim, reference is made to the

2016 independent review *Children's Residential Care in England*. Also referred to are statistics from the National Institute of Clinical Excellence and from the Department for Education.

16. In Wigan 77% of registered beds in children's homes are occupied by children from other local authorities. There are currently 49 Ofsted registered children's homes in Wigan. Five years ago, there were 28. The Council says that the high proportion of children cared for from outside of the local authority area adds pressure to Wigan's public services.

17. I have no reason not to accept the Council's evidence that the care home would impose greater demands upon public services than the likely occupants of a family house. This is another difference in the character of the use.

18. I have had regard to appeal decisions APP/C5690/X/22/3299351, APP/M4320/X/22/3300633 and APP/E2205/X/16/3161037 referred to by the appellant. In those cases the care required was not as intense because the staff to children ratio was lower. Appeal decision APP/C4235/W/17/3173975 was not in relation to a LDC and therefore, it is not comparable to this appeal. I have also had regard to other decisions by Wigan Council but I am not obliged to follow other Council decisions.

19. I note the Ministerial Statement, *Planning for Accommodation for Looked After Children*, and the guidance within it. However, it does not change established matters of planning law.

20. The information on visitors to the home is vague but even if I were to ignore any likely environmental effects from comings and goings, the proposed use would be of a different nature to that of a C3 family house anyway. In addition, there would be off-site effects. I consider that the proposed use would be significantly different in character to a C3(a) dwelling. Therefore, it would constitute a material change of use for which planning permission is required.

Conclusion

14. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for a change of use from a dwellinghouse (Use Class C3a) to a children's care home for one child (Use Class C2) is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

Ms S Watson

INSPECTOR