DESIGN AND ACCESS STATEMENT

Retrospective application to change the use of a (3a) dwelling as a children's home for up to three children, with a manager and two carers who would stay overnight, working on a rota basis(C2).

19,LANGWITH DRIVE,
HOLBEACH,
SPALDING,
PETERBOROUGH,
PE12 7HQ

4/07/2026

1. Background

1.1. I am writing on behalf of my client, Silver Birch Care (Holdings) Limited which is seeking planning consent to continue to use 19 Langwith Drive, a C3a use, as a small specialist care home for up to three children, who will either have been diagnosed with learning disabilities (LD) and/or emotional and/or behavioural difficulties, (EBD) looked after by up to two carers and a manager, which falls within use class C2 of the Use Classes Order.

1.2. On 6 June 2025, a lawful development certificate (H09-0351-25) was granted for the 'use of premises as a home for up to four young people and up to two adults as a single household (Use Class C3 (b)). The application qualified under C3b as the main carer would live in the home as their main residence. The officer report stated: *'If the proposals included staff members working shifts to care for the young people with the site, and if those staff members did not reside within the site, then the proposals might fall under Use Class C2 (children's care home). However, this is not proposed in this case'.*

1.3. The home was subsequently registered with OFSTED on 29 April 2025 and is now being used to care for 3 disadvantaged children. However, the home operates with a manager and two carers on a rota basis, who are not permanent residents. Although the proposed use will operate exactly as at present, under the Use Classes Order, the use falls under C2, rather than C3b.

1.4. As the current use was considered to be unauthorised because none of the staff were resident, a lawful development application (H09-0463-26) was submitted to demonstrate that there was no material difference between the approved use as a dwelling and the current use. However, it was withdrawn when the case officer indicated that the application would be refused for lack

of information. Although it was not made clear what additional information was needed regarding the current use, it is hoped that this application for planning permission contains all the information required. If more detail is required, the applicant will be happy to provide this.

1.5. The home has be registered with Ofsted as a specialist three-bedroomed children's home. Children undergo a stringent impact risk assessment to ensure they integrate with the local community. This considers the home, the environment, the community, plus peer groups and risk assessments against each child as an individual prior to admission into the home. The children will live at the property long term, hopefully for many years. This is not a halfway house or emergency housing for children.

1.6. In a ministerial statement from Rachel Maclean (Minister of State (Department for Levelling up, Housing and Communities in May 2023) she stated: '*The planning system should not be a barrier to providing homes for the most vulnerable children in society. When care is the best choice for a child, it is important that the care system provides stable, loving homes close to children's communities. These need to be the right homes, in the right places with access to good schools and community support. It is not acceptable that some children are living far from where they would call home (without a clear child protection reason for this), separated from the people they know and love'.*

'Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country. It is

important that prospective applicants talk to local planning authorities about whether their service is needed in that locality, using the location assessment (a regulatory requirement and part of the Ofsted registration process set out in paragraph 15.1 of the Guide to the Children's Homes Regulations) to demonstrate this'.

2. The Proposal

2.1. The home aims to provide a smooth transition for children, who will come to live there through careful planning and consideration. It will primarily serve medium to long-term placements to minimise disruption to residents.

2.2. There will be no external alterations to the building or surroundings. From the outside, there will be no change in the appearance or character of the dwelling.

OFSTED

2.3. Before any home can open, it must gain the approval of OFSTED which has regulatory powers outside normal planning control. OFSTED will require a local risk assessment before approving the property as a care home. There will also be a risk assessment to ensure each child would find this a suitable location. Planning is therefore not the only form of regulation which controls the suitability of the location. This has been reaffirmed in a recent appeal decision (APP/A3010/W/23/3322527).

2.4. A basic principle in assessing a planning application is whether there is other legislation which is more appropriate to regulate the proposed development. In the case of children's care homes, the relevant powers are set out in:

Care Standards Act 2000

The Care Standards Act 2000 (Registration)(England) Regulations 2010

The Children's Homes (England) Regulations 2015

Children's Homes and Looked after Children (Miscellaneous Amendments) (England) Regulations 2013

2.5. Under the requirements of OFSTED, such care homes must be run as closely as possible to a typical family household, while accepting staff are employed on a rota basis to provide the parental support to the children so many have missed in their early years. The only internal physical requirements are those specified by OFSTED, which are not relevant to planning.

2.6. The OFSTED Guide to Children's Homes stipulates that all children's homes must have a children's guide. It advises that a cared-for child's bedroom should not generally be entered without their permission and that children should be provided with appropriate, lockable furniture to store their personal items, including any personal information. It also provides advice on the use of CCTV and monitoring equipment within the home. It stipulates at length the information, monitoring and record-keeping that a children's home must carry out and the procedures that it must have in place.

Fire Regulations

2.7. In terms of fire regulations for care homes, OFSTED will require a Fire Safety Strategy.

The Property

2.8. The property is a four-bedroom detached house, with two off-street parking spaces to the front and a garage to be used as a cycle store for care staff.

2.9. It is the company policy to require staff to use public transport (with free bus passes or subsidised taxi fares) or bicycle (with the provision of a secure cycle rack in the garage) and not to allow on-street parking.

Staff rota pattern

2.10. Up to three children would live at the house, with two carers, working on a rota basis and a manager. Two carers would work for 48 hours, staying overnight. A manager would also visit on weekdays. Six carers would operate on a 48-hour shift pattern, followed by 72 hours off. Except at changeover times, which last around fifteen to thirty minutes, there will be no more than three staff on the premises at any one time. The changeover of one of the overnight care staff members occurs every 24 hours, usually around 8.30 am.

2.11. If a child with a higher level of need is allocated to the home, it is sometimes necessary for an overnight carer to stay awake. In these circumstances, one of the two overnight carers would arrive around 8:30 pm and work until 8:30 am, when a daytime carer would replace them. The maximum number of staff in the home would remain at two overnight and three in the daytime.

Other Visitors

2.12. In addition to OFSTED's one visit per year, there will be visits by local social services circa every four to six weeks and one Regulation 44 each

month. Usually, each child's social worker would visit them individually but if they are from the same local authority one of the social workers may visit both children. All other professional or clinical appointments and meetings would take place away from the home where possible.

2.13. Depending on the needs of the individual children, there may be occasional visits by other professionals. In addition, there may be visits by family members and friends, although these are carefully managed in advance or the home will facilitate family contact outside the home, subject to child's individual care plan. These visits are no more frequent than those of friends or relatives to a typical family. They are quantified in Schedule 2 below, showing on average two friend or family visits over the weekend and one mid-week visit by another professional.

Purpose of the home

2.14. The purpose of the home would be to support the children to build their confidence, regulate their behaviour and emotions, help them in developing life skills and prepare them for life when they leave the home to fend for themselves. This type of support has been found to be most effective in helping these children to have normal lives and not experience problems in later life.

2.15. During the day it is expected that the child would engage in various activities, plus attend a mainstream, special school or engage in a bespoke individual education plan.

2.16. The proposed children's home seeks to replicate as closely as possible a normal family environment. This type of provision, which government policy is promoting, is to help children who often, through no fault of their own, have not had good parenting in their early years or who have had adverse

childhood experiences. These are not children with special or additional needs, who would come under Use Class C2a.

2.17. The children's home model is to create a warm and nurturing family style environment for the medium to long-term care of a small number of children. This type of provision operates in the same manner as a regular family home, with up to three primary carers, to provide consistency and stability to the children who live there (similar to a fostering model).

2.18. Care is provided in small sized family units where residential carers help to develop the social and life skills needed when the child no longer live within an institution. Without such homes and positive interventions, these children when they leave the controlled environment of care homes will often end up in adult institutions, suffering from long term emotional and mental health problems, experiencing homelessness, substance misuse and involvement in criminality.

Education

2.19. With regard to schooling, it is often the case that when young people come into care, they have missed an extensive proportion of their education or are affected in a way that they could not work effectively in a large classroom environment. Given this, they could be tutored from home initially. This is all achieved online without any tutors having to come to the house. They may then progress to a specialist unit (smaller class sizes) then hopefully onto mainstream. In cases where children may have a home tutor, this is no different from an ordinary family who choose to have their children educated at home. It makes no difference to the planning status of the use.

2.20. This home would be registered with, regulated by, and regularly inspected by, Ofsted. Having the appropriate planning consent will not of itself

enable a residential children's home to open at the property if it does not also meet the strict regulatory requirements set out by Ofsted. Indeed, Ofsted's regulatory powers would also extend to it having the option to close the home if it subsequently failed to meet all of the regulatory requirements.

Risk Assessments

2.21. Before OFSTED will give their approval, at the next stage in the regulation procedure, they require a Location Risk Assessment to be carried out to determine the suitability of the area for a children's care home (attached). This involved consultation with local police and social services departments. There will also be an impact risk assessment for each child where a referral has been made. This impact assessment considers all the child's needs and examines their compatibility with the young people already living in the home.

2.22. Unless they are approved by a local authority social services department, children will not be placed in the home. They are also able to confirm the urgent need for this type of facility.

Statutory duty of local authorities

2.23. Under Section 22G of the Children Act 1989, local authorities have a statutory responsibility to take steps, as reasonably practicable, that ensure children in care are provided with accommodation that '(a) is within the authority's area; and (b) meets the needs of those children.' Three reports were published in 2020 by the Children's Commissioner: 'The Children who no-one knows what to do with'; 'Private provision in children's social care' and 'Stability index 2020', which point out the failings of local government to meet this responsibility.

2.24. The papers summarise the findings of three years of work by the Children's Commissioner's Office and explain the failure of both national and local government to adequately meet the needs of these children. The report (page 15) states: *'Local authorities are highly reliant on the independent sector, particularly for children's residential care. Costs are increasing but it's unclear why. Given this reliance, it is imperative the market works well and that commissioning and procurement are improved to ensure no child is placed in unsuitable care settings. Recommendations: The Government should consider the barriers to creating more residential care placements to increase supply'*.

3. Planning Assessment

3.1. The planning policy framework comprises the National Planning Policy Framework (NPPF, December 2024) and the Southeast Lincolnshire Local Plan(2019).

NPPF

3.2. The relevant sections of the NPPF are as follows:

> Paragraph 2 of the NPPF is highly relevant, as it states that planning permission applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
>
> Paragraph 61 makes clear that in order to '*support the Government's objective of significantly boosting the supply of homes..... the needs of groups with specific housing requirements are addressed'*. Paragraph 63 makes particular mention of the needs of looked-after children.

Paragraph 62 makes clear how housing need in an area should be assessed and understood, and paragraph 63 advocates that planning policies should reflect the housing needs for different groups in the community.

3.3. Recent Government advice emphasises the provision set out in Paragraph 63 of the NPPF, which notes that local planning authorities should assess the size, type and tenure of housing needed for different groups in the community and reflects this in planning policies and decisions. Paragraph 63 states: '*These groups should include (but are not limited to) those who require affordable housing (including Social Rent); families with children; looked after children.'* Evidence of need for looked after children can be found in the relevant local authority's Children's Social Care Sufficiency Strategy.

3.4. In a ministerial statement the then Housing and Planning Minister said councils *should consider whether it is appropriate to include accommodation for children in need of social services as part of the NPPF assessment'*. She went on to say that '*Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country'*.

3.5. Paragraph 116 is specifically relevant, '*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios'*.

3.6. Section 8 – Promoting healthy and safe communities emphasises the need to make appropriate provision for the special needs of young people.

3.7. Chapters 8 and 12 of the NPPF state that decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible so that crime and disorder and the fear of crime to not undermine the quality of life or community cohesion. In addition, and under Section 17 of the Crime and Disorder Act 1988, the Council acting as Local Planning Authority has an obligation to have due regard to the likely impact upon and to do all it reasonably can to prevent crime and disorder.

South Holland Local Plan

Principle of Development and Sustainability

3.8. The South East Lincolnshire Local Plan (2019) sets out the settlement hierarchy to deliver sustainable development that meets the social and economic needs of the area whilst protecting and enhancing the environment, in order to provide sufficient choice of land for housing to satisfy local housing need.

3.9. Children's homes of this type are designed to be located within existing residential areas. As primarily residential uses, this is a suitable area. It is in an established residential area with reasonable access to local amenities. Policy 17 of the South East Lincolnshire Local Plan (2019) relates to providing a mix of housing. It states that specialist care home provision should be located in the most sustainable settlements.

3.10. Given the specific needs of this type of care home, it is considered that the use is appropriate for the location. As such, the proposal is considered to be in accordance with the requirements of Policy 1 of the South East Lincolnshire Local Plan (2019) when viewed in principle.

3.11. Planning Practice Guidance stresses that "the provision of appropriate housing for people with disabilities, including specialist and supported housing, is crucial in helping them live safe and independent lives. Providing suitable housing can enable disabled people to live more independently and safely, with greater choice and control over their lives". It goes on to say "disabilities can include, but are not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs. In this case, children will be assessed to ensure the location is appropriate to meet their needs.

Character and appearance

3.12. Policy 3 requires development to comprise good design, identifying issues that should be considered when preparing schemes so that development sits comfortably with and adds positively to its surroundings. In this case, there are or have been any significant changes to the appearance of the property resulting from the opening of the home.

Comings and goings

3.13. The comings and goings (people and not vehicular movements) can have an impact on the character of a property and its impact on neighbours. They have not be significantly different in amount or times of day, from those associated with the previous use by a family.

3.14. The home manager would arrives most weekday mornings (around 9 am) in a car and leave when appropriate, based upon the needs of the children (two movements each weekday). The other two staff members would normally arrive by taxi, public transport, or bicycle. Overnight staff typically work on a 48-hour shift basis, with only one of the two going off duty each day.

3.15. All household chores, such as cleaning, cooking and gardening, involve the children, and no additional staff are employed at the premises.

3.16. As stated above, these children do not require regular visits from social workers and clinicians, with most of these meetings, if they are required, taking place away from the home. However, the schedule of comings and goings (2) does allow for an average number of mid-week professional visits.

3.17. There have not and will not be a material difference. In the schedule below each figure represents a single movement either in or out over a typical week

Schedule 1- Average Previous Weekly Movements (by a family)

Activity	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Travelling to work		4	4	4	4	4	
School run		4	4	4	4	4	
Shopping/ Social/recreational outings	4			2			4
Visitors	2			2		2	4
Total Movements (in and out)	6	8	8	12	8	10	8

Schedule 2 – Current/ Proposed use (based upon experience of other homes)

Activity	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Home Manager		2	2	2	2	2	
Care workers starting and finishing shift	2	2	2	2	2	2	2
School run		4	4	4	4	4	
Shopping/ Social/recreation	4						4
Visitors (other professional/ friends/ relatives	2			2			2
Total Movements (in and out)	8	8	8	10	8	8	8

3.18. On this basis, it is maintained that the proposed use as detailed in this supporting statement would not be materially different from the previous use. This is supported by the Egerton Appeal (Appeal Ref. 3161037), where the Inspector concluded a similar use would not result in significantly more movements to give rise to planning concerns.

3.19. A similar conclusion is drawn in the Dale Road appeal (Appeal ref. 3263178) : '*The number of these movements is unlikely to be significantly more than the number that would be undertaken by a family and certainly not enough to result in a level of intensification in the use of the site that gives rise to concerns from a planning point of view. There is insufficient evidence before me to show that the use would be likely to result in greater levels of noise and disturbance than the existing authorised residential use.'*

3.20. Appeal (Ref. 32993519) also provides a useful assessment of a similar care home. In paragraph 12 it states:

'Whilst there will be some additional comings and goings associated with the use as a residential care home, there is no evidence before me to dispute the appellant's case that the use will not give rise to a greater level of disturbance

than could be generated by the lawful use as a C3 dwellinghouse. The additional comings and goings identified by the appellant and Council are at a sufficiently low level so as to remain within the parameters of what could be usually expected of a family home and not therefore materially different so as to change the character of the property. Similarly the number of people who will be typically present at the property, and therefore the associated waste generated, is not significantly higher than could be expected with its current lawful use'.

Highway Safety and Parking

3.21. Section 9 of the National Planning Policy Framework (December 2023) specifically relates to 'Promoting sustainable transport'. Paragraph 115 of the National Planning Policy Framework (December 2023) advises that "development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe".

3.22. In respect of highway matters, Policy 2 details that proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to access and vehicle generation. Policy 3 details that development proposals will demonstrate how accessibility by a choice of travel modes, including the provision of public transport, public rights of way and cycle ways, will be secured, where they are relevant to the proposal.

3.23. Furthermore, Policy 36, to be read in conjunction with Appendix 6 of the South East Lincolnshire Local Plan (2019), sets out minimum vehicle parking standards and requires at least two spaces for dwellings of up to three bedrooms and three spaces for dwellings with four or more bedrooms.

3.24. While the change of use from a private residential dwelling to a children's home would be somewhat different to a conventional dwelling due to the rotational staff and increased comings and goings, the property has a large driveway for two cars and a garage for bicycle storage.

3.25. As visitors will be planned in advance, the home can make sure that off-street parking will be available.

Impact of the presence of staff

3.26. Visually, the property would look no different to the adjacent houses. During the day, there could be three members of staff in the property at any one time, but this would have no impact on the amenity of the area.

3.27. In terms of the nature of the proposed use, Paragraph 25 of Circular 05/2010 is relevant. It states that the criteria for determining whether the use of particular premises should be classified within the C3 use class (or similar) includes both the manner of the use and the physical condition of the premises. The circular states that the premises can properly be regarded as being used as a single dwelling house where they are:

- *a single, self-contained unit of occupation which can be regarded as being a separate 'planning unit' distinct from any other part of the building containing them.*

- *designed or adapted for residential purposes containing the normal facilities for cooking, eating and sleeping associated with use as a dwelling house.*

3.28. In an appeal in Stockport (Appeal ref. 2162636) an Inspector noted that although the building would be fitted with an office [and fire alarm], this was not uncommon in many dwelling houses around the country and would not materially alter its basic character as a dwelling house. There are no major modifications required to this property.

Fear of Crime/Anti-social Behaviour

3.29. The fear of crime and anti-social behaviour is a material planning consideration which might weigh against the granting of planning permission. The application is not an application for planning permission, however, and given that this is a matter of planning merit and in the absence of any basis to conclude that crime and anti-social behaviour are an inherent part of the character of the proposed use, such a fear is not relevant to the determination of this application for a Lawful Development Certificate.

3.30. There can be concern that the use would result in more noise and possibly anti-social behaviour due to the background of the children. A useful answer to this concern is contained in appeal decision (Appeal Ref.2162636-):

> *11. The fear of crime is a material consideration in the determination of the appeal. However, the weight that can be attributed to it depends on whether or not the evidence shows that the potential risk of crime is shown or expected to be high and the consequences for the community and individuals are serious. Whilst it is acknowledged that the incidents cited by the local residents would cause upset, they are not altogether unusual occurrences in modern society. Some of the incidents raised issues relating to the running of the home which have the potential to be overcome by changes to the management of the site. None of the evidence suggests that the potential risk from crime is shown or*

expected to be high or that the consequences for local residents are serious.

12. The evidence therefore leads me to conclude that the effect of the development on the living conditions of the occupiers of neighbouring dwellings regarding risk of crime would be low and carries insufficient weight to warrant dismissing the appeal on these grounds.

3.31. The nature of the children is not therefore material to the determination of this application.

Flooding Considerations TO BE COMPLETED

3.32. Section 14 of the National Planning Policy Framework (December 2023) requires development plans to "apply a sequential, risk- based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. This should be done by managing residual risk, by: a) applying the sequential test and then, if necessary, the exception test as set out below".

3.33. Paragraph 168 details "The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if thereare reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding", with the sequential approach being required in areas known to be at risk now or in the future from any form of flooding, with the flood risk assessment being the tool to demonstrate this.

3.34. If, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exceptions Test can be applied if appropriate.

3.35.

4. The site lies within Flood Zone 1 of the Environment Agency's Flood Maps which is at the lowest
5. probability of flooding. A Flood Risk Assessment is not required.
6. No obvious constraints have been identified that may impact the proposed development and the
7. type of mitigation measures that can be used to reduce the flood risk as there is no change to the
8. existing building and therefore, there is no increase in the flood risk to others. The Local Highway
9. Authority also do not object to the proposal in flood risk terms. The IDB also do not object.
10. As such, it is considered that the proposal accords with Policies 2, 3 and 4 of the South East
11. Lincolnshire Local Plan (2019) and the intentions of the National Planning Policy Framework in this
12. regard.

Impacts of Climate Change

3.36. In respect of the climate emergency, Section 14 of the National Planning Policy Framework (December 2023) states that new development should be planned for in ways that: 'avoid increased vulnerability to the range of impacts arising from climate change' with care taken to manage and adapt where development is brought forward in areas which are vulnerable; and that 'can help to reduce greenhouse gas emissions, such as through its location, orientation and design'.

3.37. The application re-uses an existing residential property for a use that is very similar to a residential use. It is not considered that there are any aspects of the proposal that worsen climate change over and above an existing residential property, particularly as no extensions are proposed.

3.38.

Community Engagement

3.39. The applicant recognises the importance of integrating the proposed children's home into the local community and will actively engage with neighbours through an information session prior to opening. Additionally, a point of contact will be provided for local residents to raise any concerns directly with the management of the home.

4. Conclusion

4.36. The proposal represents appropriate development by reusing an existing residential property. The development does not materially harm the character or appearance of the locality, or amenity of nearby residents, and provides adequate parking, whilst conforming with the South East Lincolnshire Local Plan (2019) and the provisions of the National Planning Policy Framework.

4.37. The authority is respectfully requested to approve the application, in order that it can continue to provide a home for three disadvantaged children.