

RECORD OF EXERCISE OF DELEGATED AUTHORITY BY OFFICER PURSUANT TO REGULATION 13 OF THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012 & THE OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014

<u>SUBJECT OF DECISION</u> Application for a Lawful Development Certificate for the change of use from supported living accommodation (Use Class C3b) to a children's home for up to two children (Use Class C2). ("the proposed development") – Planning application reference: 041484			
<u>DECISION REFERENCE</u> DO/88/2025 (MW)	<u>SOURCE OF AUTHORITY AND REFERENCE</u> (i.e. Committee/ Constitution/Minute No. etc. Part 3E.3 a) <table border="1" data-bbox="513 674 1513 913"> <tr> <td>Ss.191 to 194, Town and Country Planning Act 1990</td> <td>Certificate of lawful use or development except when called in for decision by Planning Applications Committee pursuant to the process outlined in Part 3E.7 iv.</td> </tr> </table>	Ss.191 to 194, Town and Country Planning Act 1990	Certificate of lawful use or development except when called in for decision by Planning Applications Committee pursuant to the process outlined in Part 3E.7 iv.
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<u>DATE OF DECISION</u> 16/02/2026	<u>DECISION MAKER (Name and Job Title)</u>  Matt Wallbank <u>Assistant Director – Democracy & Governance</u>		

RECORD OF THE DECISION

a) The issue

Under section 192 of the Town and Country Planning Act 1990, an applicant can ascertain whether any development carried out in, on, over or under land is lawful. This can be done by applying for a certificate of lawfulness.

This application is seeking to ascertain that the proposed change of use from Use Class C3 (dwellinghouse) to C2 (residential institution) as defined by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which includes care homes, nursing homes and other uses which provide accommodation and care for people in need is lawful without the requirement of a planning application.

The Lawful Development Certificate application which differs from a standard planning application. This requires the Local Planning Authority to make a legal interpretation of the legislation. In this case this is the Town and Country Planning Act 1990 and the Town and Country Planning (Use Classes) Order 1987. The issuing of a Certificate confirms that a proposal does not require planning permission and therefore that the proposal would be lawful. Crucially, the planning merits of the proposed development are not relevant. Consequently, planning conditions cannot be tied to the decision and the planning merits of the proposal (e.g. highway safety, hours of operation, amenity etc.) are immaterial to the certificate's determination. The matters determined are solely matters of evidential fact and planning law. As such, it is not considered necessary to consult with statutory consultees or neighbours. This is established in the Planning Practice Guidance (Paragraph: 008 Reference ID: 17c-008-20140306).

b) The Decision

The Certificate be issued for the proposed development. Planning application reference: **041484**

REASON FOR THE DECISION

The assessment is a matter of law, fact and degree. The applicants have submitted proposals that satisfy the requirements of the 2015 Order

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED IN MAKING THE DECISION

Reject the application. This was not an option in view of the submitted proposals.

WARD RELEVANCE

Weddington

FINANCIAL AND BUDGET IMPLICATIONS

None

CONSULTATION UNDERTAKEN WITH MEMBERS/OFFICERS

Consultation has been undertaken with the Legal Services Team and the Planning Services Team.

ANY CONFLICT OF INTEREST DECLARED BY ANY MEMBER CONSULTED

None

IN RESPECT OF ANY DECLARED CONFLICT BY A CABINET MEMBER, ANY DISPENSATION GIVEN BY THE HEAD OF PAID SERVICE (Note if the decision is a non-executive decision, no dispensation can be given).

Not applicable

EQUALITIES IMPLICATIONS

None

HUMAN RESOURCES IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

HEALTH EQUALITIES IMPLICATIONS

None

SECTION 17 CRIME & DISORDER IMPLICATIONS

None

RISK MANAGEMENT IMPLICATIONS

None

SME (SMALL/MEDIUM ENTERPRISES) & LOCAL ECONOMY IMPLICATIONS

None

ENVIRONMENTAL IMPLICATIONS

None

LEGAL IMPLICATIONS

This decision complies with Section 192 of the Town & Country Planning Act 1990.

ANY OTHER COMMENTS

None

PLEASE RETURN TO THE MONITORING OFFICER AS SOON AS A DECISION IS MADE OR AS REASONABLY PRACTICABLE THEREAFTER