



PLANNING STATEMENT

170 Ringland Circle, Newport NP19 9PL

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1. Introduction

1.1 Purpose of the Statement

This Planning Statement supports an application for a **Certificate of Lawfulness of Proposed Use** under **Section 192 of the Town and Country Planning Act 1990** for the change of use of **170 Ringland Circle, Newport** from **Class C3 (dwellinghouse)** to **Class C2 (residential institution)** in order to operate as a small children's residential care home.

The application (Charles Safapour LTD) seeks formal determination that the proposed use would be lawful if instituted at the date of the application and that it would **not constitute a material change of use requiring planning permission**. The proposed operation is for **a maximum of two children or young persons**, living together in a domestic environment with appropriate care and supervision.

This statement explains why:

- the proposed use falls within **Class C2**;
- the proposal does not involve operational development;
- the character of the use remains residential in nature; and
- established case law and Newport City Council precedent confirm that the change is **not material in planning terms**.

1.2 Applicant Overview

Following confirmation of lawfulness, the property will be made available to a suitably qualified and **Care Inspectorate Wales (CIW)** registered provider. The applicant is not the care provider but supplies compliant residential accommodation for regulated care services.

1.3 Documents Submitted

The application is supported by the following:

- Location Plan
- Site Plan
- Existing Floor Plans
- Proposed Floor Plans
- Operational Summary
- Covering Letter
- Supporting Lawful Development Certificate decision and delegated report for **82 Cotswold Way, Newport (Ref: 24/0751)**

These documents confirm that no external works are proposed and that the application turns solely on the legal question of materiality.

2. Site and Property Description

2.1 Location and Context

170 Ringland Circle is located within the established residential area of **Ringland, Newport**, characterised by detached and semi-detached family dwellings. The surrounding area is wholly residential in character and benefits from access to schools, local services, public transport and community facilities.

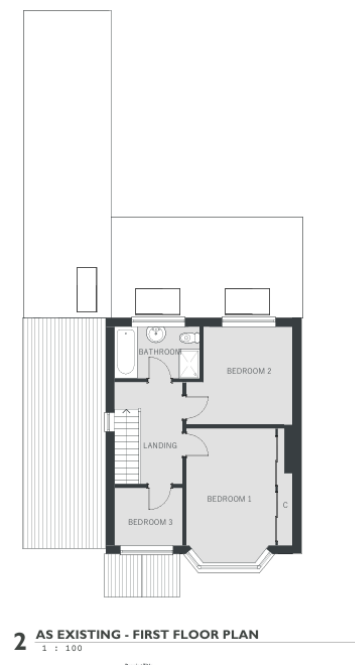
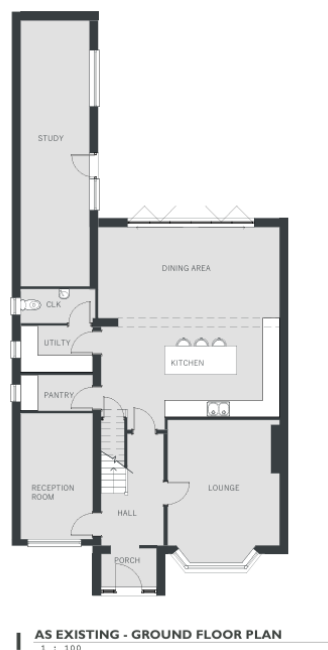
The site is situated on a residential street and forms part of a settled neighbourhood where domestic use is the prevailing and long-established character.

2.2 Physical Characteristics

The property is a traditional family dwelling arranged over two storeys with private amenity space. It benefits from a domestic curtilage and presents externally as a conventional house. There are no distinguishing features that differentiate the property from neighbouring residential dwellings.

2.3 Existing Building Layout

The existing floor plans show a conventional residential layout comprising living areas, kitchen and dining facilities at ground floor, with bedrooms and bathroom accommodation at first floor. The dwelling functions entirely as a family home and benefits from shared communal spaces consistent with normal residential occupation.



2.3.1 Proposed Layout

The proposed floor plans demonstrate that **no structural alterations** are required. The layout remains fundamentally unchanged and domestic in nature. One bedroom is identified for use as a **staff bedroom / office**, depending on

operational need along with the reception room being allocated for staff office where guests will be received. All other rooms retain their typical residential function.

There are **no external alterations**, no extensions and no changes to the external appearance of the building.



3. The Proposed Use

3.1 Description of Use

The proposed use is for the property to operate as a **small children's residential care home** within **Use Class C2**, accommodating a **maximum of two children or young persons aged between 7 and 17 years**.

The children will live at the property on a full-time basis and will be cared for in accordance with CIW regulations. The environment will be domestic in character, reflecting family-style living with shared meals, shared living areas, schooling arrangements and recreational activities.

3.2 Staffing Arrangements

Staffing will be provided on a **needs-led basis**, typically:

- **Daytime:** 1:1, 2:1 or up to 3:1 staffing depending on individual needs; and
- **Night-time:** one sleep-in or waking night staff member.

Short overlap periods during shift handovers may temporarily increase staff presence; however, the overall level of occupation remains well within that typically associated with a family dwelling occupied by multiple adults.

This staffing model is directly comparable to that accepted by Newport City Council in the approved Lawful Development Certificate at **82 Cotswold Way**, where up to three staff during the day and one overnight was found not to be material.

3.3 Domestic Character

The property will operate in a manner **indistinguishable from a family home**. There will be:

- no external signage;
- no institutional lighting;
- no changes to the external appearance; and
- no activities outside those ordinarily associated with residential occupation.

Daily routines will reflect normal household patterns including meals, education, leisure and rest.

3.4 Parking and Vehicle Movements

Vehicle movements will be limited to staff shift changes and occasional professional visits. These movements are low in frequency and comparable to those associated with ordinary family households, particularly where multiple adults reside or work varying shifts.

The Property offers off street parking for up to 2 cars.

The proposal does not generate an intensity of vehicular activity that would alter the residential character of the area.

3.5 Intensity of Use

With a maximum of **two residents**, the proposed use represents a **lower occupancy level** than many typical family dwellings of comparable size. This further reinforces that the use would not result in an intensified or materially different pattern of activity.

4. Legal and Case Law Framework

4.1 Statutory Framework

Applications for a Certificate of Lawfulness of Proposed Use are determined under **Section 192 of the Town and Country Planning Act 1990**. The role of the Local Planning Authority is limited to determining, **on the balance of probability**, whether the proposed use would be lawful if instituted.

An LDC assessment is a legal determination and **must not consider planning merits, policy compliance, perceived need, or public opinion**.

4.2 Use Classes

Class C3 – Dwellinghouses includes use by individuals or families living together as a household.

Class C2 – Residential Institutions explicitly includes children’s homes where residents live on a full-time basis and receive care.

The proposed use clearly falls within **Class C2**.

4.3 Development and Material Change of Use

Under **Section 55 of the 1990 Act**, development includes material changes of use. However, not every change between use classes constitutes a material change.

As no operational development is proposed, the sole issue is whether the change in use would be **material in planning terms**.

4.4 Materiality Test

Whether a change is material is a matter of **fact and degree**, informed by case law. Relevant considerations include:

- the character of day-to-day activity;
- scale and intensity of occupation;
- comings and goings; and
- impacts on residential amenity.

5. Case Law and Legal Precedent

5.1 R (Moore) v Secretary of State [2012]

The High Court confirmed that supervision and care, even on a 24-hour basis, do not in themselves alter the residential character of a dwelling. Where the lived reality remains domestic, no material change occurs.

5.2 North Devon District Council v First Secretary of State [2003]

The Court held that even where a use falls outside Class C3, it does not automatically follow that a material change has occurred. The overall character of the use must be assessed.

5.3 Newport City Council Precedent – 82 Cotswold Way (Ref: 24/0751)

Newport City Council granted a Lawful Development Certificate confirming that use of a dwelling for up to two children with shift-based staffing **did not result in a material change of use**.

The factual circumstances of that case are directly comparable to the present proposal, including occupancy levels, staffing arrangements, absence of external alterations and residential context.

Newport City Council carefully assessed staffing numbers, vehicle movements, internal management, safeguarding arrangements, and operational detail.

The decision states that the use: “would not result in a significant change in the character of the existing lawful use ... and would not have a material impact on local amenity.” (Delegated Decision Report, para. 10.1)

Direct Parallels with the Current Proposal:

- low occupancy (maximum of two young persons);
- few staff movements;
- few professional or family visits at the property;
- equal or better parking provision;
- a wholly domestic setting;
- no external alterations.

The Cotswold Way decision therefore provides strong, site-specific, and local authority-issued precedent supporting the grant of this Lawful Development Certificate.

6. Assessment Against the LDC Legal Tests

The evidence demonstrates that:

- the proposed use falls within **Class C2**;
- the character of the use remains residential;
- staffing and activity levels are modest and comparable to a family dwelling; and
- binding case law and local precedent confirm the change is not material.

On the balance of probability, the proposed use would therefore be lawful.

7. Conclusion

This Planning Statement has demonstrated, on the balance of probability, that the proposed use of **170 Ringland Circle, Newport** as a children's home falls lawfully within **Use Class C2** and does not amount to a material change of use requiring planning permission. The internal arrangements remain domestic, no operational development is proposed, and the day-to-day functioning of the property mirrors the normal living patterns of a small household. Staffing levels, vehicle movements, and activity associated with the use are modest and clearly comparable to, or lower than, those commonly experienced in typical family dwellings.

The comprehensive body of case law including **R (Moore)** and the **North Devon** judgment confirms that children's homes of this scale retain their residential character and do not generate institutional effects. Numerous appeal decisions reinforce this position by recognising that small, supervised living arrangements do not materially change the nature of the planning unit. Most notably, **Newport City Council's own recent Lawful Development Certificate at 82 Cotswold Way** provides a directly relevant and authoritative local precedent. In that case, the Council concluded that a children's home accommodating up to two children with multiple staff on rotating shifts did not materially alter the lawful residential use. The proposal for **170 Ringland Circle** is of comparable or lower intensity, involving a maximum of two children or young persons, needs-led staffing arrangements, no external alterations and limited associated movements.

Taken together, these factors confirm that the proposal sits comfortably within the parameters of lawful residential use as defined by the **Town and Country Planning Act 1990** and associated case law. The change in use is not material in planning terms, does not constitute development under **Section 55** of the Act, and therefore does not require planning permission.

For these reasons, it is respectfully requested that **Newport City Council** issue a **Certificate of Lawfulness of Proposed Use** confirming that the use of **170 Ringland Circle** as a children's home (Class C2) for up to two children or young persons would be lawful if instituted at the time of the application.