



PLANNING STATEMENT

7 Queens Road, Newport, Gwent, NP20 5EX

Contents

1. Introduction	2
2. Site and Property Description.....	2
3. The Proposed Use	4
4. Legal and Case Law Framework	5
5. Case Law and Legal Precedent	7
6. Assessment Against the Lawful Development Certificate Legal Tests	9
7. Conclusion	9

1. Introduction

1.1 Purpose of the Statement

This Planning Statement supports an **Application for a Certificate of Lawfulness of Proposed Use** for the change in use of 7 Queens Road from **Class C3 (dwellinghouse)** to **Class C2 (residential institution)** to operate as a **children's home for up to a maximum of two children / young persons**. The application seeks a determination that the proposed use would be **lawful at the date of the application** under Section 192 of the Town and Country Planning Act 1990.

This assessment explains why the proposed use falls within Class C2, does not result in a material change of use requiring express planning permission, and is consistent with national legislation, case law, and Newport City Council's recent Lawful Development Certificate determinations.

1.2 Applicant Overview

Following the confirmation of lawfulness, the home will be operated by a suitably qualified and CIW-registered provider. The applicant supplies compliant residential properties for social care providers but does not deliver care services themselves.

1.3 Documents and Plans Submitted

The application is accompanied by:

- **Site Plan (1:500)**
- **Location Plan (1:1250)**
- **Existing Floor Plans**
- **Proposed Floor Plans**
- **Supporting Decision Documents** for a similar approved Lawful Development Certificate at 82 Cotswold Way, Newport

These documents demonstrate that no physical alterations are proposed and that the primary matter for consideration is whether the use falls within Class C2 and constitutes "development".

2. Site and Property Description

2.1 Location and Context

7 Queens Road is located within a stable residential neighbourhood characterised predominantly by detached and semi-detached houses. The **Location Plan** shows the property within an established, accessible urban setting, well served by public transport, education and community facilities.

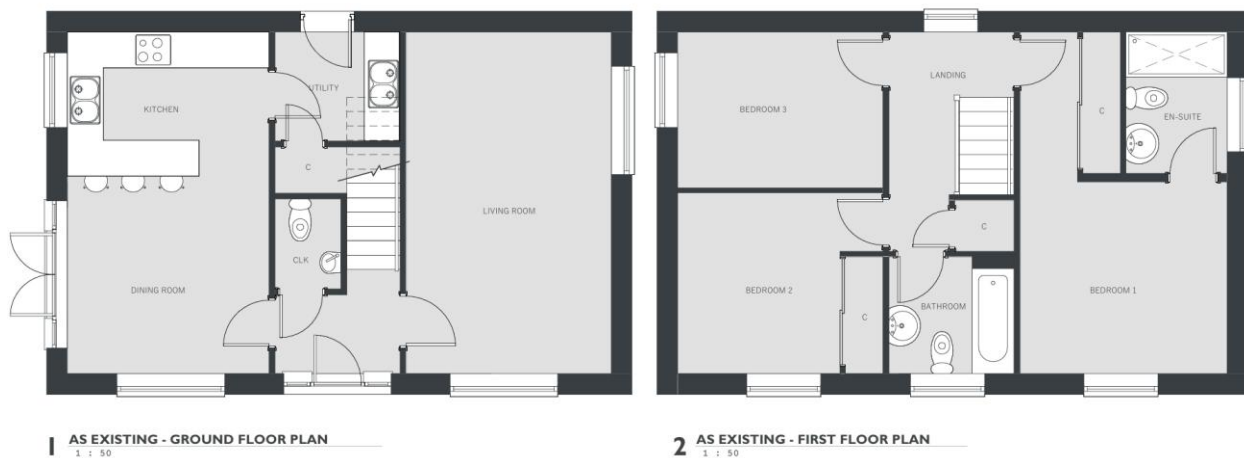


2.2 Physical Characteristics

The dwelling is a **three-bedroom detached house**, measuring approximately **1,119 sq ft**, with an attached garage, front driveway, and rear garden. The **Site Plan** clearly outlines the domestic plot and curtilage.

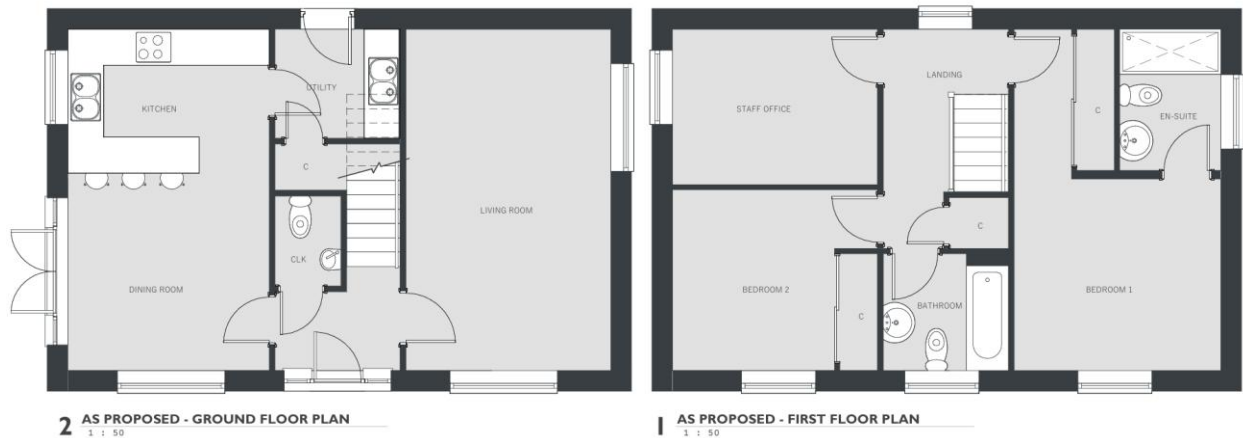
2.3 Existing Building Layout

The As Existing Floor Plans show a conventional arrangement over two floors. The ground floor includes a dining room, living room, kitchen, WC, and utility room. The first floor comprises three bedrooms, a family bathroom, and an en-suite. The building presents entirely as a traditional domestic dwelling.



2.3.1 Proposed Layout

The As Proposed Floor Plans confirm that only one bedroom is re-purposed internally as a staff office/sleep-in room. No structural works are required. All other rooms retain their domestic residential function.



Under the proposed layout, one first-floor bedroom is assigned as a staff office/sleep-in room. The change is entirely internal and involves no structural modifications.

There are no external works of any kind.

2.4 Accessibility and Local Facilities

The property benefits from excellent proximity to schools, health services, recreational spaces, and bus routes, all of which are essential to supporting the welfare, educational continuity, and social integration of a young person. The location promotes a family-style lifestyle endorsed by Welsh Government guidance for children's homes.

The property benefits from excellent proximity to services:

Train Stations

Newport Gwent – 0.19 miles

Pye Corner – 1.76 miles

Bus Stops

Queen's Hill Crescent – 0.07 miles

Comfrey Close – 0.11 miles

Schools

St Mary's RC Primary School – 0.11 miles

Crindau J&I School – 0.54 miles

St Woolos Primary School – 0.54 miles

The sustainable location reinforces the residential nature of the use and is consistent with children's homes nationally.

3. The Proposed Use

3.1 Description of Use

The application seeks confirmation that the property may operate as a **C2 residential children's home** accommodating **up to a maximum of two children / young person aged 7–17**. The young person/s would live at the property full-time and receive care from trained staff, in accordance with CIW standards.

The daily environment will be domestic in character, mirroring life within a household and maintaining normal residential rhythms including meals, schooling, recreation, and shared use of kitchen and living areas.

3.2 Staffing Arrangements

Staffing will follow a regulated rota, typically one to three members of staff during the daytime and one to two sleep-in staff member at night. Short handovers may briefly increase occupancy of the staff members, but this remains well within the normal range for residential dwellings occupied by families with adult children or shift-working parents.

The scale of staffing is aligned with the **Lawful Development Certificate granted (Ref 24/0751)**, where Newport City Council accepted that up to **three staff during the day and one to two at night** did not constitute a material change.

3.3 Domestic Character and Compatibility

The home will retain its domestic character entirely. There will be no signage, institutional fixtures, external lighting beyond typical household levels, or activities that differ from those of an ordinary residence. Daily routines such as meals, school attendance, and recreation will reflect normal family life

3.4 Parking and Vehicle Movements

The property benefits from a driveway and garage. Staff changeovers are infrequent and generate fewer vehicle movements than many multi-adult households. No on-street parking is required.

Vehicle movements will be limited to staff shift changes and occasional visits by professionals such as social workers or education officers. These movements are low in frequency and significantly below those of multi-adult households

3.5 Low Intensity of Use

Only a maximum of up to two children / young persons will live at the property. This makes the intensity of use lower than typical occupancy levels for a three-bedroom dwelling, reinforcing compatibility with neighbouring residential properties.

3.6 External Appearance

No external changes are proposed. The property will remain visually indistinguishable from any typical family dwelling on Queens Road.

4. Legal and Case Law Framework

4.1 Overview of the Statutory Framework

Applications for a **Certificate of Lawfulness of Proposed Use (LDC)** are determined under **Section 192 of the Town and Country Planning Act 1990**, which establishes whether, *on the balance of probability*, the proposed use would be **lawful if instituted at the time of the application**.

In determining lawfulness, the local planning authority must apply a strict legal test:

1. Is the proposed activity “development” under Section 55 of the 1990 Act?
2. If it is development, does it require planning permission?

3. Is the use within a defined Use Class under the Town and Country Planning (Use Classes) Order 1987 (as amended)?
4. Would the change in use be “material” in planning terms?
5. Does case law and precedent establish that similar uses are lawful without requiring express planning permission?

No assessment of planning “merits”, policy compliance, community sentiment, or subjective planning concerns is permitted in an LDC determination.

The central question is *only* whether the use is lawful.

4.2 Definition of Use Classes: C3 and C2

Class C3 – Dwellinghouses

Class C3 refers to use as a dwelling by a single person, family, or up to six people living together as a single household (including certain supported living arrangements).

Class C2 – Residential Institutions

Class C2 explicitly includes:

- Children’s homes
- Care homes
- Residential care facilities where residents live full-time and receive care
- Any residential institution where the primary purpose is the provision of **care**, not independent living

The proposed use of 7 Queens Road—up to two children / young persons living in a residential home with 24/7 care **falls squarely within Class C2** under the Use Classes Order.

4.3 Establishing Whether There Is “Development”

Under Section 55 of the Town and Country Planning Act 1990, “development” includes:

- Operational development
- Material changes of use of land or buildings

The internal re-purposing of a single bedroom into a staff office/sleep-in room does **not** constitute operational development.

Therefore, the only relevant question is whether the use amounts to a **material change in the character of the use**.

This is determined by the extensive body of case law.

4.4 The Materiality Test in Case Law

The key question for an LDC is whether the proposed C2 use would be *materially different* from the existing C3 use.

Case law sets out the following principles:

- A use may fall outside Class C3 but still *not* constitute a material change requiring permission.
- Materiality is a question of **fact and degree**, assessed by looking at:
 - Character of day-to-day activity
 - Comings and goings
 - Level of supervision
 - Size of the household
 - Impacts on neighbours

Where the residential character is retained and the scale of activity is similar to, or less than, that of a typical household, no material change occurs.

5. Case Law and Legal Precedent

5.1 *R (Moore) v SSCLG* [2012]

The *Moore* decision is one of the most authoritative judgments in this area. The High Court emphasised that the mere presence of staff supervision does not convert a dwelling into an institutional use. The Court examined the lived reality of a children's home and concluded that because the property continued to operate as a domestic environment with sleeping, cooking, eating, and daily living routines typical of a household the use had not departed from its residential character. The case establishes a crucial point for the current application: supervision and support, even on a 24-hour basis, do not by themselves alter the essential nature of the use. Where only one / two children lives in a conventional residential setting, the factual similarity to ordinary household living is even stronger.

5.2 North Devon Ruling (*North Devon District Council v First Secretary of State*, 2003)

The North Devon case (*North Devon District Council v First Secretary of State and Southern Childcare Ltd* [2003]) remains another defining authority in assessing children's homes. Although the Court accepted that the use did not fall within Class C3(b) because staff did not live permanently on site, it went on to make a pivotal finding that the absence of a single household does not automatically create an institutional or materially different use. Instead, the Court stressed the need to assess the overall character of use, which in that case remained residential. The structure of daily routines, the domestic layout, and the limited number of children all weighed heavily in confirming the absence of any material change. These same characteristics apply directly to 7 Queens Road, where the presence of only one or two children and minimal staff presence renders the use inherently domestic.

5.3 Relevant Appeal Decisions

National appeal decisions consistently confirm:

- Small children's homes with one or two young people do not produce impacts comparable to institutional or non-residential uses.
- Shift-working staff do not create harmful intensification.
- The character of use remains residential.

These rulings underline that the proposed use is Class C2 and not materially different from C3 for planning purposes.

5.4 Newport City Council Lawful Development Certificate Precedent: 82 Cotswold Way (Application 24/0751)

The applicant has submitted both the **Lawful Development Certificate application form** and the **full Delegated Decision Report** for the recently approved Lawful Development Certificate for 82 Cotswold Way, Newport.

This decision is directly relevant and highly material for the following reasons:

a. Identical Proposed Use

The 82 Cotswold Way application sought confirmation that a C3 dwelling could lawfully operate as a C2 children's home for **one or two children**, with **three staff during daytime hours and one overnight**. Newport City Council concluded that this arrangement did **not** result in a material change of use.

b. No Operational Development

Like 7 Queens Road, the 82 Cotswold Way case involved **no external alterations** and only modest internal re-purposing of rooms.

c. Issue of Materiality

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)

d. Direct Parallels with the Current Proposal

7 Queens Road has:

- lower occupancy (maximum of two young persons);
- fewer staff movements;
- no 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.

5.5 Combined Effect of Legal Authority and Precedent

Taken together, the national case law, appeal decisions, and local Newport precedent articulate a clear legal position. Small children's homes, particularly those housing only one or two children, retain a domestic profile and do not amount to a material change of use. The presence of supervision does not equate to institutional activity, nor does it introduce a pattern of comings and goings that materially alters the residential character of the neighbourhood. The

courts have consistently required a demonstrable shift in the character of land use in order to establish materiality, and such a shift is entirely absent in the case of 7 Queens Road.

The Newport decision at 82 Cotswold Way provides direct confirmation that the Council applies these legal principles faithfully and that uses of this type are lawful without requiring planning permission. Given that the present proposal is of significantly lower intensity, the legal conclusion is stronger still.

6. Assessment Against the Lawful Development Certificate Legal Tests

The evidence submitted demonstrates that the proposed use satisfies the legal tests:

- **The proposed use is a Class C2 residential institution** as defined by the Use Classes Order.
- **No operational development** is proposed under s.55 of the 1990 Act.
- **The change is not material** in terms of planning; the dwelling retains its residential character.
- **Clear legal precedent**, including Newport's own 2024 decision, confirms that such a use does not require planning permission.

On the balance of probability, the proposal is therefore **lawful**.

7. Conclusion

This Planning Statement has demonstrated, on the balance of probability, that the proposed use of 7 Queens Road 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 7 Queens Road is of even lower intensity, involving only up to two children / young persons, fewer staff, no external alterations and fewer 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 7 Queens Road children's home (Class C2) for up to two children / young persons would be lawful if instituted at the time of the application.

