

Delegated Decision Report

Application No:	26/0020	Statutory Period Expires:	24th April 2026
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Site:	170 Ringland Circle Newport NP19 9PL		
Proposal:	LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED CHANGE OF USE FROM C3 TO C2 FOR UP TO 2NO RESIDENTS WITH 3NO DAYTIME STAFF AND 2NO NIGHTTIME STAFF		
Applicant:	C Safapour		
Type:	Lawful Development Proposed	Ward:	Ringland
Decision:	GRANTED		

1. BACKGROUND

- 1.1 The application was originally called to Committee by Cllr Lacey but this request was subsequently withdrawn as noted in Cllr Lacey's comments below.

2. SITE LOCATION AND CONTEXT

- 2.1 The property is a detached 3no bedroom dwelling located along Ringland Circle, opposite St Gabriel's Primary School. The property benefits from off street parking to the front.

3. DESCRIPTION OF DEVELOPMENT

- 3.1 The application seeks confirmation that the change of use of the property from use class C3 (dwellinghouse) to use class C2 (residential institution) would be lawful. The property would operate as a small children's residential care home for up to 2no children or young persons aged 7-18 supported by appropriate 24hour staffing.

4. RELEVANT SITE HISTORY

App Number	Proposal	Decision	Decision Date
22/0969	PROPOSED FRONT PORCH, TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSIONS	GRANTED WITH CONDITIONS	09/02/2023

5. PLANNING POLICY

- 5.1 The application is made under Section 192 (proposed development) of the Town and Country Planning Act 1990 (as amended). Accordingly, the Local Planning Authority is required to issue a certificate for the proposed development if it is satisfied that the operation does not require planning consent. Determination is on the basis of law (i.e. facts) rather than national/ local planning policies.

6. CONSULTATION RESPONSES

- 6.1 None.

7. PUBLIC REPRESENTATIONS

- 7.1 NEIGHBOURS: Objections were received from the following properties with the main concerns highlighted below.

Objectors

- 4 Farnaby Close
- 49 Abbey Road
- 7 Farnaby Close
- 8 Farnaby Close
- 4 Dunstable Road
- 166 Ringland Circle
- 164 Ringland Circle

- 172 Ringland Circle
- 3 Farnaby Close
- 168 Ringland Circle
- 6 Farnaby Close

Main Concerns

- Lack of parking and increased parking pressure
- Increased traffic/vehicular movements
- The position of the property opposite a school
- Safety of children
- Intensification of the use exacerbating existing issues

7.2 COUNCILLOR LACEY:

INITIAL COMMENTS - I am writing as the local Ward Member to formally request that this application for change of use from C3 to C2 (residential children's home) be referred to Planning Committee and not determined under delegated powers.

Given the nature of the proposed use and the specific characteristics of this location, I have serious concerns that require full and transparent scrutiny by Members.

1. Suitability of Location – Safeguarding and Community Safety

The proposed site is located on the Ringland estate, an area with documented and ongoing issues relating to antisocial behaviour, drug-related activity and exploitation risks. The property is also within approximately five minutes' drive of the M4 junction, creating rapid access routes in and out of the city. Given that the proposed use involves accommodating vulnerable teenagers, this locational context is a material planning consideration when assessing the suitability of the site. Planning policy in Wales places clear emphasis on creating safe and sustainable communities. The test is not simply whether a children's home is acceptable in principle, but whether this specific location is appropriate for this use. In my view, the safeguarding context of the area raises legitimate concerns about whether the proposal would provide a safe and suitable environment for vulnerable residents.

2. Impact on Residential Amenity and Character

This is an established residential street characterised by C3 family dwellings. A C2 use, particularly one accommodating multiple unrelated young people with staffing presence and associated comings and goings, represents a material change in intensity and character. The cumulative and operational impacts, including vehicle movements (staff shifts, professional visitors, emergency services), potential disturbance, and change in neighbourhood character require proper assessment. Residents have raised concerns about safety and amenity, and these concerns go directly to material planning considerations under amenity and character policies within the LDP.

3. Cumulative Impact and Policy Compliance

There is increasing concentration of supported and specialist accommodation within parts of this ward. The Local Planning Authority must consider whether further such provision would result in overconcentration, undermine community cohesion, or conflict with policy objectives relating to balanced communities. I do not consider the delegated report sufficiently addresses cumulative impact or the broader spatial strategy implications.

4. Regulatory and Deliverability Concerns

While I recognise that CIW registration sits outside the planning regime, there remains no clear evidence within the application that registration is secured or imminent. In the absence of such clarity, questions arise around deliverability and operational safeguards. Given the vulnerable cohort proposed, Members should have the opportunity to scrutinise how safeguarding measures interact with planning considerations. This application raises significant and sensitive issues around location suitability, safeguarding context, residential amenity, cumulative impact and policy compliance. It is not appropriate, in my view, for this to be determined under delegated authority. I therefore formally request that this application be referred to Planning Committee in accordance with the Council's call-in procedure.

FINAL COMMENTS - I don't need this brought to full committee. I believe the issues regarding this provision are for CIW to determine and not the LPA.

8. ASSESSMENT

8.1 The Concept of a 'Household' – North Devon 2003

The lawful use of the application property is a dwelling house (Class C3). A children's home may fall within Use Class C3 where the total number of residents does not exceed six and the carers and the cared-for live as a single household. The starting point here is the concept of the 'household', which would have to be satisfactorily met for a children's home to fall within Class C3. In *North Devon District Council v First Secretary of State and Southern Childcare [2003]*, involving the use of a house to provide residential care for two children, it was held that the concept of what constituted a 'household' meant more than simply the number of people. It was necessary to assess whether they could truly be regarded as living as a household, and this would not be the case where carers do not live there all the time.

Since *North Devon 2003* this matter has been the subject of many appeal decisions and the generally established position is that where the staff of a children's home work on a shift basis there will not normally be a 'household' formed and, therefore, the use will not fall within Class C3(b). The proposed use is C2 not C3. However, as has been consistently confirmed over many years, even if a proposed children's home does not operate in a way that means that it squarely falls within Class C3, there still needs to be a proper assessment as to whether such use would involve a material change of use requiring planning permission. This has been tested many times at appeal and is a case by case assessment that has regard to the existing use AND the proposed use as set out in the application. It is therefore necessary to establish whether the change of use from a family dwelling to a home for no more than 2no. children in care (C2) with up to 3no. staff would be 'material'. This is a matter of fact and degree and depends upon the particular circumstances of each case. Established case law provides that it is necessary to look at whether the change gives rise to planning considerations which can include the effects of the change on local amenity. The property is currently vacant. Full details of occupancy arrangements prior to the applicant taking control of the property are not known but site inspections confirm this appears to be and is set out as a family dwelling with off road parking to the frontage and a private rear garden.

8.2 Children's Care Home vs Family Dwelling

In appeal decision Ref APP/U5930/C/11/2151319 and A/11/2146559, the Inspector identified a number of characteristics of a children's care home which could distinguish it from a family dwelling. These include: possible noise and disturbance arising from incidents of extreme behaviour of residents (with consequential visit from regulatory agencies); the presence of fire alarms, reinforced fire doors and locks on bedroom doors; the property having an office; and the cumulative level of activity, traffic movements and requirement for parking given the comings and goings of staff over a 24-hour period, and the visiting of residents by family and friends.

8.3 The planning statement, which must be read in conjunction with the addendum, provides the following information:

Staffing Arrangements

- For one child – maximum of 2-3 staff during daytime hours and 1-2 staff members overnight
- For two children – typically 2 staff during daytime hours and 1-2 staff members overnight
- No more than 3 staff present at any one time during the day
- No more than 2 staff members present overnight
- Maximum daytime ratio 3 staff:1 child
- Typical shared care scenario 2 staff: 2 children

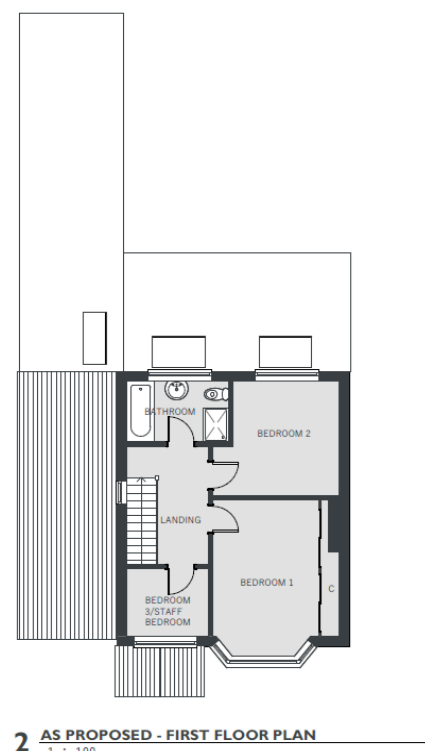
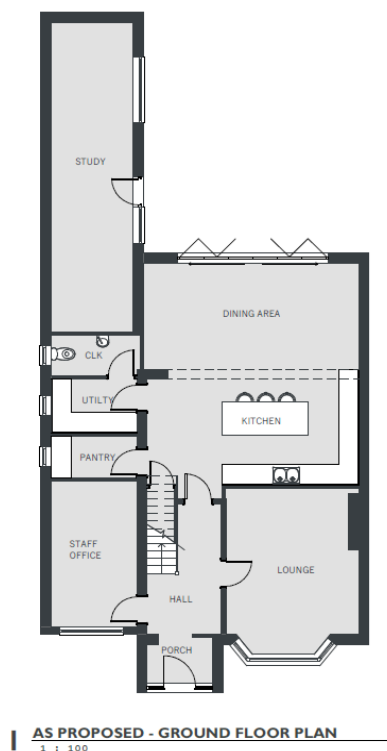
Shift Patterns

- Day Shift: 08:00-20:00
- Night Shift: 20:00 – 08:00
- Shift handovers occur at 08:00 and 20:00 only

Vehicle Movements

- Two daily shift changes
- Occasional visits - occur no more than one per week, during daytime hours only, typically 1 individual for 1-2hours
- Professional visits – Infrequent and pre-arranged, typically 1 visitor at a time and no group attendance.
- Family visits – occasional, supervised and scheduled.

- 8.4 The proposed floor plans can be seen below. The only internal changes from the existing layout is the ground floor reception room being used as a staff office and a first-floor bedroom being used as a bedroom/staff bedroom.



- 8.5 In terms of staff ratios, if there was a staff ratio of 3:1 or 2:1 required there would only be a single placement at the property, resulting in up to 4no people present at the property at any given time, excluding shift change over. If there was a double placement, the staff ratio would be 1:1, also resulting in up to 4no people present at the property at any given time. It is considered that these numbers of children and of staff being present during the daytime, excluding staff change over, is akin to the number of occupants reasonably associated with a 3no bedroom residential property of this size. The environment would be domestic in character, reflecting family style living with shared meals, shared living areas, schooling arrangements and recreational activities. An office area is annotated on the ground floor plan. The presence of an office space within a dwelling is generally accepted where this is incidental to the use of the overall property. With regard to family visits, the applicant advises that they would be occasional, supervised and scheduled. Similarly with professional visits, they would be infrequent ad pre arranged, typically with 1no visitor at a time and no group attendance. The applicant has advised that there may also be other occasional visits such as management or supervisory visits that would occur no more than once per week, during daytime hours only and for 1-2 hours at a time. It is anticipated that the young person would be enrolled in school and staff would drop off/pick up. All of these

are not dissimilar to what would be expected of a single-family dwelling.

- 8.6 The property benefits from a driveway to the front of the property that could accommodate up to 2no cars. The existing 3no bedroom property generates a parking demand of 3no spaces in accordance with the Council's Parking Standards. Assuming each of the three staff members drove to work, that would generate a parking demand of 3no spaces, comparable to that of the existing dwelling. At shift change over which takes place at 08:00 and 20:00, a further vehicle may be associated within the site. The shift change over times, which would be limited to 12-hour change overs, fall outside of the expected peak times of high parking demand in the area given its location opposite a primary school. Based on the information that has been provided regarding staff ratios and shift changes, it is not considered that vehicular movements or parking would be very different to the comings and goings associated with the C3 use. The role of staff/carers will be akin to parents looking after children in a family home and taking them to school or on trips. A typical family home will potentially have several cars and different travel patterns of occupiers. Furthermore, staff change overs occur at reasonable times of day when activity may naturally be expected as part of a family dwelling with people going to work or school for example.
- 8.7 Established case law provides that it is necessary to look at whether the change to C2 from C3 gives rise to planning considerations which can include the effects of the change on local amenity. On balance it is considered that the change of use to C2 in this particular case would not be material owing to the number of residents and staff akin to that expected of a dwelling of this size, the expected vehicular movements and off street parking available, no physical internal or external alterations to the property and the ability for the property to operate similar to that of a family dwelling in terms of shared meals, living areas etc. The property will continue to appear as a single-family dwelling and its use for C2 will not demonstrably change the character and appearance of the property or local context. Notwithstanding this, it is acknowledged that should the way the property operate change significantly over and above that described then this could be considered material in the future.
- 8.8 Due to the application type being a lawful development certificate, as standard practice by the local planning authority, neighbour consultation letters were not sent. Notwithstanding this, a number of objections were received from neighbours. The concerns primarily related to but were not limited to; lack of parking, increased parking pressure, increased traffic/vehicle movements, the position of the property opposite a school, safety of children and the intensification of the use exacerbating existing issues. Whilst it is noted that these were the main concerns raised, all concerns raised by residents have been taken into consideration when assessing the application. However, these concerns do not alter the assessment of materiality above and notably the conclusion that the proposed use will not give rise to materially different impacts or effects than the property's use as a single family dwelling.
- 8.9 It is known that during consideration of this application, the property was temporarily used to provide emergency accommodation for a vulnerable child. This occupancy has now ceased and the property is vacant and was at the time the submission of the LDC was made to the LPA. A reliance upon the premises as emergency accommodation would introduce a more transient and intensive turn over less compatible with occupation as a family dwelling and in all likelihood, materially different in use. The applicant advises that the proposed use is for longer term, stable accommodation for children. Whilst emergency placements can sometimes occur, they do not form a defining or routine component of the proposed use. Rather, they arise only in **exceptional circumstances**, typically where a placing authority requires **immediate short-term accommodation** to safeguard a young person. Such placements are:
- **infrequent and unplanned;**
 - driven by external authority need rather than operational intent; and
 - typically transitional, pending a longer-term placement.

The test of materiality is fluid and in this case, the submission is based upon the house being used for stable, longer term accommodation NOT for emergency placements as a defining characteristic of the proposed use and essentially the information provided to

support this particular application. Should this change and the premises operate in a different manner, the lawfulness or otherwise of the use can change.

- 8.10 As outlined above, neighbours weren't consulted on the application due to the application being a lawful development certificate. This is a lawfulness test and there is no statutory requirement to consult with neighbours in relation to this type of application. It is a test of fact and degree, not an assessment of planning merits. A lawful development certificate is a legally binding document issued by a local planning authority to confirm that a defined proposal does not require the express permission of the Authority. This application was assessing whether or not the change of use from use class C3 to use class C2 would be a material change based upon the information supplied about the proposed use and what is known of the premises and its characteristics. This is a matter of fact and degree and the conclusion in this case is that the proposal is not a material change of use and is not therefore development requiring planning permission.

9. OTHER CONSIDERATIONS

9.1 *Crime and Disorder Act 1998*

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

9.2 *Equality Act 2010*

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

9.3 Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

9.5 *Planning (Wales) Act 2015 (Welsh language)*

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

9.6 *Newport's Well-Being Plan 2018-23*

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

10. CONCLUSION

- 10.1 When taking into account the aforementioned case law, the context of the site, the characteristics of the premises and previous use, its fallback use and the specific details as to how the property would operate, as a matter of fact and degree the proposal would not result in a material impact on local amenity and is not a material change of use.

11. DECISION

GRANTED

01 As a matter of fact and degree, the use of the property as described and for the care of up to 2no children with up to 3no daytime and 2no nighttime members of staff operating on shifts would not result in a material change of use of the property and the proposed use is considered lawful as it does not constitute development.

NOTE TO APPLICANT

01 This decision relates to plan Nos: Existing Floor Plan Drawing No.01, Proposed Floor Plan Drawing No.02, Planning Statement, Site Location Plan, Email Correspondence with the Planning Agent Dated 06/02/26, 10/02/2026 & 18/03/2026 and Addendum to Planning Statement.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies were relevant to the determination of this application.

03 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.