

WEST SWINDON PARISH COUNCIL

Planning & Environment Committee

Certificate of lawfulness (Proposed) to use existing dwelling as a children's home as requested by Cllr Steph Exell.

1. Introduction:

- 1.1 The West Swindon Parish Full Council is a consultee for planning applications in the West Swindon Parish, however, there is no statutory requirement to consult any third party including parish councils or neighbours, on certificates of lawfulness.
- 1.2 Swindon Borough Council have received an application for a Certificate of Lawfulness (Proposed) to use an existing dwelling as a Children's home.
- 1.3 The Swindon Borough Council Planning Officer for the case has responded as follows:

Yes, the application seeks a certificate of lawfulness for the proposed use as a Children's home. This means the applicant seeks confirmation that the use/activity they propose to carry out would be lawful, i.e. that it does not require planning permission

The application is likely to be dealt with under delegated authority

There is no statutory requirement to consult any third party including parish councils or neighbours, on certificates of lawfulness.

It is worth re-iterating that any representations on the planning merits of the case (e.g. impact upon a neighbour) are immaterial when determining this type of application as only matters relating to the lawfulness of the use (need for permission) can be taken into account.

- 1.4 The applicant has submitted a supporting statement, a copy of which is available with the planning information online. It is attached as **Appendix A**. In the statement it says *The number of children to be cared for plus the carers would for most of the day be no more than 5 people which would not be materially different to what might be expected within a typical family dwelling* . It concludes that *It would not amount to a material change of use and no development requiring planning permission would take place.*

2. Key considerations:

- 2.1 The Parish Council is aware that a number of local residents have contacted local Councillors about this matter. It is also aware that places for looked after children are essential provisions for local children and families. Swindon

Borough Council Planning Officers will be determining the outcome and the Parish Council has no involvement in that process.

- 2.2 A copy of a guidance note from Leeds City Council is attached as Appendix B for information. This note clarifies the key question of whether it can be determined that there would be a 'material change of use'.
- 2.3 The Parish Council can submit observations or queries to the Planning Officer, however these are not considered in the formal context of the application process.

3. Recommendations

- 3.1 Comments and observations of the West Swindon Parish Council are recorded.

Paula Harrison
Parish Manager