

DETAILED SUPPORTING STATEMENT

Certificate of Lawfulness of Proposed Use or Development

97 St Leonards Road, Horsham, West Sussex RH13 6AP

Proposed residential children's home for a maximum of two children aged 10-16

Applicant / operator	BrightHaven Children's Services Ltd
Freehold owner	Hamclap Ltd
Existing planning use	Dwellinghouse (Class C3)
Proposed use	Residential children's home for no more than two resident children
Application route	Section 192, Town and Country Planning Act 1990
Statement date	30 September 2026

Prepared in support of an application to Horsham District Council

1. Introduction

This statement supports an application under section 192 of the Town and Country Planning Act 1990 for a Certificate of Lawfulness of Proposed Use or Development for 97 St Leonards Road, Horsham. The proposal is for the property to be used as a small residential children's home for a maximum of two children aged 10 to 16, with care provided by non-resident staff working on a rota.

The application accepts that the proposed arrangement is properly assessed as a Class C2 children's-home use because the children would be cared for by staff who work shifts and do not occupy the premises as their sole or main residence. The question for this application is therefore whether the move from the lawful Class C3 dwellinghouse use to the specifically described Class C2 use would amount, as a matter of fact and degree, to a material change of use requiring express planning permission.

The operational model is deliberately limited. There will be no more than two resident children and no third or emergency bed. The home is intended to provide planned medium- to long-term placements in a domestic setting. It will not operate as a hostel, day centre, school, public contact centre, clinic or corporate office.

The freehold owner is Hamclap Ltd. BrightHaven Children's Services Ltd will operate the home and will occupy the premises under a lease to be entered into between the two companies.

2. Successful comparator used as the primary model

The structure and materiality assessment in this statement have been prepared by reference to the successful Lawful Development Certificate application at 2 Bentley Close, Monk Bretton, Barnsley (application 2025/0152), which concerned a semi-detached dwelling proposed for use as a children's home for two children. Barnsley Metropolitan Borough Council granted the certificate on 6 June 2025.

The Bentley Close officer report treated the proposal in two stages: first, whether the shift-care arrangement fell outside Class C3 and within Class C2; and second, whether the resulting change was nevertheless material. The Council concluded that the proposed C2 operation and associated activity would not materially change the use of the property. Its certificate records that conclusion expressly.

The Bentley Close property is not relied upon as identical. Its existing operational baseline and parking circumstances differed. Its importance here is that a local planning authority accepted, in a recent proposed-use certificate, that a two-child C2 children's home in a semi-detached house can remain non-material when the nature, scale and associated activity continue to be residential in character.

3. Statutory and legal framework

Section 55(1) of the Town and Country Planning Act 1990 defines development to include the making of a material change in the use of buildings or other land. Section 192 provides the procedure by which an applicant may seek a certificate confirming that a proposed use or operation would be lawful if begun at the date of the application.

The courts have made clear that children cared for by non-resident shift workers may not constitute a single household for the purposes of Class C3. *North Devon District Council v First Secretary of State & Southern Childcare Ltd* [2003] EWHC 157 (Admin) is the principal authority commonly applied in children's-home cases.

That classification point does not end the enquiry. The fact that the proposed use falls within a different use class does not automatically establish that a material change has occurred. Materiality remains a matter of fact and degree, requiring comparison between the character and intensity of the lawful residential use and the specific proposed operation.

This approach is reflected in the Bentley Close certificate and officer report and in the Planning Inspectorate decisions referred to later in this statement.

4. The property and proposed residential use

97 St Leonards Road is a family-sized semi-detached house in an established residential street in Horsham. At the date of the application the physical layout of the premises will be as shown on Drawing PL-01. Drawing PL-02 identifies the proposed children's-home room uses.

The proposed home will accommodate a maximum of two children aged 10 to 16. Each child will have an individual bedroom on the first floor. The first floor also contains the family bathroom and a separate WC. On the ground floor there will be a staff office / sleep-in room, shared kitchen and dining / communal living space, and a quiet or second living room, together with WC and laundry facilities.

The children will live at the property as their home. The ordinary daily pattern will therefore consist of sleeping, meals, school or education, recreation, homework, family contact where appropriate, ordinary household tasks and community activities. Shared domestic facilities will be used in the same way as in a family home.

No external institutional signage, public reception, treatment suite, classroom or separate business premises is proposed. The outward appearance and overall residential character of the house will remain that of a dwelling.

5. Children to be accommodated and care model

BrightHaven's service is designed for planned placements under the West Sussex Children's Home Collaborative Lots 2a and 2b. The home will provide care for children with emotional and behavioural difficulties, including children with more complex presentations involving emotional dysregulation, attachment disruption, trauma and placement instability, provided that the individual child's needs can be safely managed in a planned two-child home.

Placements will be accepted only after referral information, risks, needs and compatibility have been considered. The home will not operate an additional emergency bed. A child-focused location assessment and individual placement and risk assessments will form part of the regulatory and operational process.

The care model is trauma-informed and relationship-based. Staff will provide stable routines, shared meals, education support, leisure and community participation, individual key-work and age-appropriate preparation for independence. The intention is to reproduce, as closely as is reasonably possible within a regulated children's home, the ordinary rhythms and relationships of a stable family household.

6. Staffing and management

The staffing model is matched to the assessed needs of the children rather than to a commercial visitor function. The Registered Manager will be full-time and based at the home. A Senior Support Worker will deputise and lead shifts. Head-office finance, HR, quality, referrals and IT functions are provided centrally by BrightHaven and the property will not operate as the company's headquarters.

Operating situation	Staffing arrangement
Standard daytime / evening	Two direct-care staff on duty from waking to bedtime.
Standard night cover	One night worker, sleeping in or waking according to each child's assessed needs and risks.
Higher-support Lot 2b placement	Up to 2:1 daytime support for the child where required.
Two Lot 2b placements	Up to four direct-care staff by day and a waking-night worker for each child where required.
Management / professional attendance	Registered Manager, supervisory staff and necessary social-work, regulatory, clinical and other professional visits.

The higher staffing level that may be required for some placements does not in itself determine whether a material change of use occurs. The relevant question remains the overall character and intensity of the use. The Inspector in the Sandpiper Lane case found no material change where approximately three staff were present by day and two at night; The Lodge decision concerned up to four staff at the home at one time. Those decisions are not numerical rules, but they demonstrate that shift staffing must be assessed as part of the totality of the residential operation.

7. Ofsted and other regulatory controls

The home will not admit children until the required Ofsted registration has been obtained. The children's-home regulatory framework is separate from planning control and includes requirements concerning the Statement of Purpose, location assessment, safeguarding, staffing, care planning, behaviour support, independent monitoring and premises safety.

The existence of those controls is relevant context but is not relied upon as a substitute for the planning test. The present application asks only whether the particular use described would materially change the planning character of the property.

8. Comparison with ordinary dwellinghouse occupation

Feature	Ordinary Class C3 dwelling	Proposed two-child home
Residential occupation	Household members live, sleep, eat and socialise in the property.	Two children live at the property as their home and use the same shared domestic facilities.
Bedrooms	Individual or shared family bedrooms.	Two individual children's bedrooms; staff accommodation is ancillary to care.
Daily routine	School/work journeys, shopping, appointments, visitors and leisure.	School/education, appointments, leisure, family contact, staff shifts and professional visits.
Management	Ordinary domestic administration.	Care records and home-specific management only; wider corporate administration remains elsewhere.
External character	Residential house and garden.	Residential house and garden; no public-facing institutional function or signage.
Waste / deliveries	Ordinary household servicing.	Household-scale servicing associated with two resident children and staff.
Noise / activity	Normal family living and garden activity.	Domestic living and supervised activity; managed to remain compatible with the adjoining dwelling.

The character of the proposed use is therefore residential rather than institutional in the planning sense of a larger facility generating a distinct pattern of public access, appointments or operational activity. The carers perform the parental and supervisory functions that the children require because of their age and circumstances.

9. Comings, goings and visitors

As in the successful Bentley Close application and the Inspectorate decisions, staff movements and professional attendance are relevant to the factual comparison. BrightHaven does not suggest that the property will have no additional staff movements; rather, it is necessary to consider whether those movements alter the overall character of the use to a material degree.

The ordinary care team will attend in planned shifts. The Registered Manager is based at the home, while corporate head-office functions are carried out elsewhere. Social workers, independent visitors, regulators, health professionals and family members may attend where required by the children's plans or statutory functions. The premises will not operate as a general meeting venue, training centre or clinic.

Children will also leave and return for school, appointments, shopping, leisure and community activities, just as children in an ordinary household do. BrightHaven's West Sussex operating model includes a dedicated home vehicle and encourages walking, cycling and public transport where appropriate.

On-street parking is available on St Leonards Road in the vicinity of the property and the applicant confirms that it is not subject to permit, time-limit or other parking restrictions. Staff, visitors and the home vehicle will use lawful on-street spaces and will be instructed not to obstruct neighbouring driveways, access points, footways, junction visibility or emergency access. The availability of unrestricted on-street parking means that the home does not depend upon the creation of a new parking area or alteration of the frontage.

10. Residential amenity and the semi-detached relationship

The property is semi-detached and the relationship with the adjoining dwelling is therefore relevant to the fact-and-degree assessment. That relationship does not make a two-child home materially different by definition. The successful Bentley Close application also concerned a semi-detached house, and the Council nevertheless concluded that the proposed two-child C2 use would not materially change the property.

BrightHaven will manage staff arrivals, departures, handovers, conversations and use of external areas so as to avoid unnecessary disturbance. The home will not host public events or large gatherings. Garden use will be ordinary domestic recreation and will be supervised in accordance with the children's plans.

The day-to-day activity of two resident children remains capable of occurring within the range of activity associated with a family-sized dwelling. The fact that trained adults perform the caring role, rather than parents or guardians living at the property, is the feature that brings the use within Class C2; it does not of itself make the physical and operational character materially different.

11. Relevant successful decisions

11.1 2 Bentley Close, Monk Bretton - Barnsley 2025/0152

Barnsley Metropolitan Borough Council granted a proposed-use certificate on 6 June 2025 for a C3(a)-to-C2 change to a children's home for two children. The officer report identified the application property as a two-storey semi-detached house and concluded that the submitted operation and associated activity would not constitute a material change of use. This is the primary recent local-authority comparator relied upon.

11.2 81 Penny Lane, Haydock - APP/H4315/X/22/3294620

The Planning Inspectorate allowed an appeal for a two-child home supported by shift carers, usually no more than two staff at one time, with occasional professional and management visits. The Inspector concluded that the daily level of activity was comparable with a dwelling occupied by a family of four and did not amount to a material change of use.

11.3 3 Sandpiper Lane, Micklegate - APP/F1040/X/21/3283867

This decision concerned two children with approximately three staff present during the day and two at night, together with short and infrequent professional visits. The Inspector treated the use as Class C2 but concluded that the house would retain the look and character of an ordinary residential dwelling and that no material change would occur.

11.4 The Lodge, Hougham - APP/E2530/X/24/3354568

In April 2025 the Inspector allowed an appeal concerning a two-child C2 home with up to four staff present and one member of staff sleeping overnight. The Inspector concluded that the proposed operation would not make a significant difference to the activity, trip generation or overall comings and goings compared with a typical family household. The Lodge was materially larger than 97 St Leonards Road and had substantially greater parking, so the case is relied upon for the legal approach rather than as an identical site comparison.

12. Assessment

The correct baseline is the lawful use of 97 St Leonards Road as a family dwelling. Against that baseline, the proposed use continues to consist overwhelmingly of residential activities: two children living, sleeping, eating, studying, socialising and being cared for in a domestic house.

- The number of resident children is limited to two.
- There is no additional emergency or third resident bed.
- The house remains a domestic home with individual bedrooms and shared living, kitchen, dining and bathroom facilities.
- The carers' presence is connected solely with the care and supervision of the children.

- The wider BrightHaven business is not administered from the property.
- Professional attendance is ancillary to the children's care and regulatory oversight.
- The premises do not operate as a school, clinic, public contact centre, hostel or training venue.
- The external appearance and residential relationship with the street remain domestic.
- Staffing can increase where the needs of a child require it, but that is part of the care of the two residents rather than an increase in resident capacity or a separate institutional function.

Taken together, those characteristics support the conclusion that the change from C3 to the specifically described C2 use does not result in a significant or substantial change in the character of the land or building. On the balance of probabilities, the proposed use therefore does not amount to a material change of use.

13. Conclusion

BrightHaven accepts that the shift-care arrangement places the proposed children's home within Class C2 rather than Class C3. However, the statutory question is whether the change is material. The successful Bentley Close certificate and the cited Inspectorate decisions demonstrate the established fact-and-degree approach to that question.

For 97 St Leonards Road, the small resident population, family-style occupation, domestic facilities, home-specific care and management, absence of any public or institutional function and continued residential appearance mean that the overall character of the premises would remain that of a home.

Accordingly, the applicant respectfully requests that Horsham District Council issue a Certificate of Lawfulness of Proposed Use or Development under section 192 confirming that the proposed use of 97 St Leonards Road as a residential children's home for a maximum of two children, operated in accordance with the submitted supporting documents, would not constitute a material change of use requiring express planning permission.

14. Supporting documents

- Completed application for a Certificate of Lawfulness of Proposed Use or Development.
- Location plan - HM Land Registry title plan WSX167642 / compliant application-site plan.
- PL-01 Existing Physical Layout.
- PL-02 Proposed Children's Home Use.
- Management Plan - 97 St Leonards Road.
- Precedent Appendix containing the relevant decisions.
- Covering letter and CIL Additional Information Form.

15. Principal references

- Town and Country Planning Act 1990, sections 55 and 192.
- Town and Country Planning (Use Classes) Order 1987 (as amended), Classes C2 and C3.
- North Devon District Council v First Secretary of State & Southern Childcare Ltd [2003] EWHC 157 (Admin).
- Barnsley Metropolitan Borough Council, application 2025/0152, 2 Bentley Close: Supporting Statement, Officer Report and Certificate dated 6 June 2025.
- Planning Inspectorate, APP/H4315/X/22/3294620, 81 Penny Lane, decision dated 13 December 2022.
- Planning Inspectorate, APP/F1040/X/21/3283867, 3 Sandpiper Lane, decision dated 21 April 2022.
- Planning Inspectorate, APP/E2530/X/24/3354568, The Lodge, decision dated 28 April 2025.
- BrightHaven Children's Services Ltd - West Sussex Children's Home Collaborative C21723 workforce and service responses for 97 St Leonards Road.