
Planning Statement

3 Salmond Road

Lawful development Certificate for continued C2 use of the property

Produced by David Smith – WBC Development Team

12 December 2024

This statement is produced to support an application for a certificate of lawful development in respect to the ongoing use of 3 Salmond Road as a children's home.

The property has long been registered and operating as a children's home –class C2 of the Use Classes Order. It is understood that the use commenced circa 2003. However, it would appear that formal planning permission for such use has not previously been applied for nor obtained.

The Council purchased the property in 2023.

Time limits for taking enforcement action

The time limits for taking enforcement action are set out in [section 171B of the Town and Country Planning Act 1990](#) (see also [The Planning Act 2008 \(Commencement No. 8\) and Levelling-up and Regeneration Act 2023 \(Commencement No. 4 and Transitional Provisions\) Regulations 2024](#)).

The change of use occurred prior to 25 April 2024. The change of use would therefore have become immune from enforcement because no action was taken within 10 years from the change of use.

Lawfulness

The statutory framework covering “lawfulness” for lawful development certificates is set out in [section 191\(2\) of the Act](#). In summary, lawful development is development against which no enforcement action may be taken and where [no enforcement notice is in force](#), or, for which planning permission is not required.

Application is therefore hereby made under section 191 of the Town and Country Planning Act 1990 for confirmation that the children's home use of the property is lawful for planning purposes.

Evidence

The following evidence is submitted in support of the application

1. STATEMENT FROM WOKINGHAM BOROUGH COUNCIL'S SERVICE DIRECTOR

- Includes confirmation that the Council placed a child at the property between October 2009 and July 2013.
- Also confirms the unique reference number (URN) for the property which is referred to in the Ofsted Reports.

2. OFSTED REPORTS – FROM OCTOBER 2009 THROUGH TO 2022

- Ofsted is the Office for Standards in Education, Children's Services and Skills. They inspect and regulate services that care for children and young people.
- The reports demonstrate that the home was registered and operating as a care home between 2009 and 2022 (i.e. in excess of 10 years), prior to the Council purchasing the property in 2023.
- Earlier records/reports have not been sourced.

Date of Ofsted Inspection	Notes
October 2009	"The home is for up to three children, aged between five years and under 18 years"
July 2010	"The home is for up to three children, aged between five years to 17"
November 2014	"The home is privately owned by an established company. The home is registered to accommodate a maximum of three young people..." Recent Inspection History listed: • 07/01/2014 • 06/08/2013 • 21/01/2013 • 09/10/2012
March 2019	"The Children's home provides highly effective services that consistently exceed the standards of good" Recent Inspection History listed: • 06/03/2018 • 22/03/2017 • 07/06/2016 • 09/03/2016
January 2020	"The home is privately owned by a company which operates several children's homes in the area. The home is registered to accommodate a maximum of three young people..." Recent Inspection History listed: • 19/03/2019 • 06/03/2018

	• 22/03/2017 • 07/06/2016
June/July 2021	“The home is privately owned by a company which operates several children’s homes in the area. The home cares for a maximum of three children...” Recent Inspection History listed: • 29/01/2020 • 19/03/2019 • 06/03/2018 • 22/03/2017
June 2022	“The home is privately owned by a company which operates several children’s homes in the area. The home cares for a maximum of four children...” Recent Inspection History listed: • 30/06/2021 • 29/01/2020 • 19/03/2019 • 06/03/2018

Conclusion

The evidence submitted demonstrates that the property was registered and operating as a children’s home (use class C2) between 2009 and June 2022 prior to the Council purchasing the property in 2023.

Whilst it would appear that planning permission for the change of use had not been secured, the use has continued in excess of 10 years during which time no enforcement action has been taken. It follows that the use is lawful under s191 of the Town and Country Planning Act. A lawful development certificate is therefore requested to verify this is the case.