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Residential care and semi-independent supported-living accommodation for children and young people - Advice note

Last Modified October 20, 2023



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Advice note

January 2021

Purpose of the advice note

This advice note is intended to inform and assist applicants seeking planning permission for the development of, or the change of use of an existing building to, a children’s residential care home or a semi-independent supported-living facility for young people aged 16 to 18 years.

The advice note is intended to offer clarification and information and so will not be taken through a formal consultation process. Nevertheless, it will be a material consideration in the assessment of planning applications.

Definition of the uses

This advice note addresses two types of use:

- Residential care homes for children and young people aged up to 18 years of age
- Semi-independent supported-living facilities for young people aged 16 to 18 years of age

A children’s residential care home falls within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Such uses are intended for the provision of care and are therefore governed by the provisions of the Children’s Homes (England) Regulations 2015. As such, they must be registered with OFSTED which is the regulatory body for children’s care. OFSTED requires an operator to demonstrate that planning permission is either granted or not required before it will register a property. A child may live in a residential care home up to the age of 18 if their particular needs are judged to require the provision of care as defined by the Regulations.

A semi-independent supported-living facility for young people does not provide care as defined by the Care Act Regulations. Instead, and as the name suggests, such facilities provide support and are intended to prepare a young person for fully independent adult living. Supported-living facilities do not have to register with a regulatory body. Nevertheless, as young people under the age of 18 years cannot lawfully form their own household without the support of an adult over the age of 18 years, the council considers such uses to fall within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). This type of accommodation is only appropriate for older teenagers over the age of 16 who do not require the level of care provided in a regulated children's residential care home.

Aims and objectives

The council's aim is to ensure that good quality accommodation is available in appropriate premises and locations within the borough to meet the care needs of looked-after children, and the support needs of semi-independent young people for whom Blackpool Council is responsible, without causing undue harm to the character and amenities of local neighbourhoods.

In light of the specific issues in Blackpool as set out below, the council has identified the following principal objectives:

- Ensure that new children's residential care homes and semi-independent supported-living facilities for young people are established in appropriate premises and in suitable locations
- Establish a priority for local children and young people to ensure that the council can meet the needs of the existing community within the local area
- Prevent an undue concentration of specialist uses in any particular area of the borough in order to safeguard local character and amenity
- Safeguard the children and young people housed and the interests of local communities by requiring premises to be operated in accordance with robust management plans

Children's residential care and semi-independent supported living for young people in Blackpool – a planning perspective

Children's residential care homes

Since 2010, Blackpool Council has issued a number of certificate of lawfulness for the proposed use of dwelling-houses as residential care homes for children and young people. In recent years, the pressure for this type of use has increased significantly. The availability of relatively large properties at reasonably low prices is understood to be a key driver behind this trend.

As uses established through a certificate of lawfulness are not subject to council control in terms of occupancy, many of the care homes that have opened have elected to accommodate children and young people placed by remote authorities. This has two key implications:

- Vulnerable children with complex needs are brought into the borough placing additional strain on already pressurised local public services: and
- Blackpool Council struggles to accommodate local children in need of care within the borough

A certificate of lawfulness for a proposed use is granted when the council judges that the use proposed is not materially different in planning terms from the existing lawful use of a building. Many factors must be taken into account when considering materiality.

Officers from the council's planning department have worked closely with colleagues in public protection, public health and children's services to better understand the nature of children's care homes and the issues that exist within the sector.

As a result, and whilst every application must be determined on its own merits, the council is now of the opinion that a change of use from a dwelling-house to a children's care home will generally be material for the following reasons:

- Change in the character of the use as a result of increased day-to-day activity
- Change in the character of the use as a result of the necessary form of operation of the premises
- Change in the character of the use as a result of typical physical alterations to the property
- Impact of the proposal in terms of the loss of family dwellings
- Impact of the proposal in terms of the impact on Blackpool's regeneration strategy (for proposals within the defined Inner Area)
- Impact of the proposal on local public service delivery
- Impact of the proposal on the council's ability to meet its own housing needs for looked-after children

By requiring operators to apply for planning permission for the creation of children's care homes, the council is able to ensure that such provision is established in appropriate properties in suitable locations. It also gives the council the ability to ensure that children's home provision in the Blackpool area gives priority to local children, enabling us to meet our own needs in our own borough.

Semi-independent supported-living facilities for young people

As this type of provision does not require registration with a regulatory body, the council's planning department has not been approached with applications for planning permission or certificates of lawfulness for this kind of use until very recently.

Generally speaking, semi-independent supported-living accommodation is very similar in format to a house of multiple occupancy (HMO). However, as the occupants are aged under 18 years and are placed in the facility for a particular purpose, receive a particular type of support, and are only occupant for a limited period, the council considers this type of use to be class C2. Whilst every application must be determined on its own merits, the council is of the opinion that a change of use from a dwelling-house to a semi-independent supported-living facility will generally be material for the following reasons:

- Change in the character of the use as a result of increased day-to-day activity
- Change in the character of the use as a result of the necessary form of operation of the premises
- Change in the character of the use as a result of typical physical alterations to the property
- Impact of the proposal in terms of the loss of family dwellings
- Impact of the proposal in terms of the impact on Blackpool's regeneration strategy (for proposals within the defined Inner Area)
- Impact of the proposal on local public service delivery
- Impact of the proposal on the council's ability to meet its own housing needs for young people requiring supported accommodation

As such, planning permission is required for the development of, or change of use to, such uses. As with children's residential care homes, by requiring operators to obtain planning permission for supported housing facilities for semi-independent young people, the council can ensure that priority is given to young people from the Blackpool area to enable us to meet our own local needs.

By ensuring that local provision is focused on meeting local needs, the council can also help tackle a wider social care issue. Since 2015, the Department for Education has noted a marked increase in unregulated accommodation for young people nationwide. There is concern that these placements are being used to house vulnerable young people who may not be ready to transition to independent adult living. This is particularly worrying given that some 45% of placements are made outside the boundary of the young person's home local authority. Young people placed remotely in accommodation without appropriate safeguards who are not ready for semi-independent living are extremely vulnerable to exploitation. By controlling occupancy through a planning permission, the Council can ensure that young people receive the level of support or care that they need.

Relevant planning policy, guidance and information

National Planning Policy Framework (NPPF) (published February 2019)

Paragraphs 59, 60 and 61 relate to the delivery of a sufficient supply of homes.

Paragraph 59 makes it clear that in order to support the government's objective of significantly boosting the supply of homes... the needs of groups with specific housing requirements are addressed.

Paragraph 60 explains how housing need in an area should be assessed and understood, and paragraph 61 advocates planning policies that reflect the needs of particular groups in the community.

Blackpool Local Plan Part 1: Core Strategy 2012-2027 (adopted January 2016)

The Blackpool Core Strategy sets out a spatial portrait of Blackpool along with a vision and objectives to identify how we want Blackpool to be at the end of the plan period. The plan also sets out a number of planning policies to ensure that the right development happens in the right places to meet Blackpool's needs.

Although there are no specific policies relating to children's residential care home or semi-independent supported-living accommodation provision in the core strategy, the vision for Blackpool includes the need to meet community needs by providing quality homes in attractive neighbourhoods. To achieve this vision, the core strategy sets out a number of objectives, including the need to develop sustainable and safer neighbourhoods that are socially cohesive. In addition, Policy CS12 is relevant in general terms.

The focus of Policy CS12: Sustainable neighbourhoods is to ensure future development and investment contributes to delivering sustainable communities, whilst focusing regeneration and improvement in a number of identified priority neighbourhoods. The improvement of these neighbourhoods is fundamental to creating more sustainable communities.

Sustainable communities contribute to a better quality of life for existing and future residents through the promotion of social cohesion and inclusion, the strengthening of economic prosperity and enhancement of the natural and built environment. Sustainable communities should comprise a mix of age groups, incomes and lifestyles within a safe, healthy and clean environment, with access to a full range of services and community facilities.

Blackpool Local Plan 2001-2016 (adopted 2006 with policies saved by direction in 2009 and 2016)

Policy BH24 relates to residential institutions and community care residential uses and sets out the council's expectations with regard to

new development proposals.

BH24: Residential Institutions and Community Care Residential Uses

The development of old people's homes/residential institutions (Class C2 uses), community care residential developments and other similar uses will be permitted in appropriate premises and locations subject to:

- (a) The type of use applied for
- (b) A demonstration of local need
- (c) The intensity of use and its effect on adjacent properties
- (d) The suitability of the premises and the location
- (e) A management plan for the operation of the premises

Such uses will not be permitted in those parts of the resort neighbourhoods where the majority of the premises are in holiday accommodation use and where changes to residential use will not be permitted in accordance with the Plan.

Old people's homes and nursing homes will be permitted in appropriate former holiday premises in those parts of the resort neighbourhoods where there is a mix of uses and residential use otherwise accords with the Plan.

Elsewhere, in order to protect the character and amenities of residential areas and avoid any undue concentration of C2 or other community residential uses:

- i. No more than about 10% of properties in any one block will be permitted in such use
- ii. No community residential uses meeting specialist needs will be permitted within 400 metres of existing properties meeting similar needs.

It should be noted that both children's residential care homes and semi-independent supported-living facilities are considered to meet specialist needs and that criteria (ii) therefore applies to their location. The two uses are considered to be similar in terms of the needs met and this means that new children's residential care homes or semi-independent supported-living facilities for young people cannot be located within 400m of existing such uses.

Specific advice

Where can I locate a new children's residential care home or semi-independent supported-living facility?

It is important that our most vulnerable children and young people are looked-after in stable and secure neighbourhood environments. As such, the council considers the defined inner area of Blackpool to be unsuitable for the creation of accommodation for looked-after or semi-independent children and young people due to the existing high levels of deprivation prevalent in this area.

What kind of property should I look for?

With regard to children's residential care homes, this will very much depend upon the type of provision proposed. In general, where the accommodation would be aimed at children suffering from some degree of educational, behavioural or social difficulties (EBSD) the following types of property are considered to be appropriate:

- Terraced properties - are generally only suitable for accommodating one child
- Semi-detached properties – are typically only suitable for accommodating up to two children
- Detached properties – can be used to accommodate one or two children but become necessary for proposals seeking to accommodate three children or more

Where more intense care models are proposed, such as a two-to-one care model, operators should consider larger properties wherever practicable.

Where less intense care models are proposed because the accommodation is aimed at children who require less specialist care, some degree of flexibility may be appropriate.

For semi-independent supported-living uses, whilst detached properties are preferable, the use of terraced and semi-detached properties are acceptable. However, no more than six young people may be accommodated in one property and the premises should be large enough to afford good-sized bedrooms of at least 11.5sqm in area along with adequate staff, kitchen and bathroom facilities to meet the needs of occupants.

What about car parking?

We recognise that children's residential care homes require more car parking than dwelling-houses of a comparable size. This is because of the number of staff members who are likely to be working at the property at any one time but also because of the potential for visits from other professional support workers. Semi-independent supported-living facilities are less likely to generate significant

parking demand.

On this basis, proposals for children's care homes will only be supported where adequate car parking provision is available to meet the needs of the use. On-street parking provision will be taken into consideration where it is available and not subject to excessive pressure.

When considering parking availability, due regard will be given to the care ratio; the needs of the children accommodated; the operational model of the home; the nature of the surrounding area; and the presence of any parking restrictions on-street.

How do I demonstrate a local need?

The council's children's services team is consulted on all planning applications for children's care homes and semi-independent supported living facilities for young people. This team monitors demand and provision on a regular basis and so is able to advise on levels of local need. Before applying for planning permission for a children's residential care home or semi-independent supported living facility for young people, applicants are strongly advised to contact the Council's children's services team on 01253 477793 for further information with regard to need.

How can I find out if a property I am interested in is within a 400m radius of a similar use?

Each month OFSTED provides the council with a list of registered children's residential care homes within the Blackpool borough. The council maintains a map showing the locations of all children's care homes and this is updated monthly. In order to safeguard the children in care, it would be inappropriate for the council to make this map available for public view.

The council also maintains a map showing the locations of semi-independent supported-living facilities within the borough. Although young people in this kind of accommodation are being prepared for independent adult life, the council again does not consider it appropriate to publish the locations of existing premises.

However, if an operator has a particular property in mind, they can contact the development management duty line on 01253 476193 to find out if it falls within a 400m radius of another use of either type.

What do I need to include in my management plan?

A management plan must be submitted with all applications for planning permission for a children's residential care home use or a semi-independent supported-living facility.

The following questions can be used as a guide to help prepare your management plan:

- How many children/young people would be accommodated?
- What is the ratio of staff to children that is required, i.e. delivery model?
- What is the likely level of need of the children accommodated, i.e. is there a focus on complex needs?
- What is the likely shift pattern of staff, i.e. how many staff (management and care staff) would likely be at the premises at any one time and when would shift changes occur?
- What support officers would be likely to visit the property?
- How would visits be scheduled and would staff/support-worker meetings take place at the property?
- If residents are unable to participate in full-time, mainstream education, what educational support would be offered on-site?
- Would therapeutic care be offered on site?
- Would case reviews take place on or off site?
- Are friends and relatives of residents able to visit at any time?
- Will the property be OFSTED registered?
- Are children/young people ever left alone at the property?
- Under what circumstances are children/young people allowed to leave the property?
- Would staff members be informed/aware if a child/young person left the property?
- Is there a curfew?
- What would happen in the event of a breach of curfew?
- What security provisions are proposed, e.g. security and access controls on doors?
- Would CCTV be installed?
- How would local residents know how to raise a concern in the event of an issue?

What other changes might I be expected to make to a property?

It is recognised that many children who require accommodation in a children's residential care home may have suffered trauma or neglect of some kind. This can result in behavioural problems. Whilst such children undoubtedly deserve to live in a pleasant, caring and supportive residential environment, it is also important that the amenities of neighbours are appropriately protected. As such, the following measures may be required:

- Installation of sound-proofing to protect party walls
- Prevent children from having access to balconies and any flat-roof areas

- Provision of appropriate boundary treatments to garden areas
- Installation of CCTV

How will Blackpool Council ensure that new children's residential care home or young person's semi-independent supported-living accommodation provision will meet local need?

A crucial aspect of the council's strategy is the need to ensure that local children and young people can be accommodated in the local area. This is important to enable them to maintain links with family and friends, retain medical and other support services referrals as necessary, and to continue attending school, education or training wherever possible.

In order to ensure that new provision is available to meet the needs of local children and young people, the council will expect all applicants to enter into a S106 legal agreement before planning permission is granted.

This legal agreement would be between the applicant and the council but it would relate to the property in question (in the same way that a planning permission relates to land or property rather than a person). This means that any successors in title would be equally bound by the requirements of the agreement. The council has a template legal agreement in place and so there would be no requirement for applicant's to arrange their own legal drafting.

The S106 legal agreement would specify that the property in question can only be occupied on a residential basis by children or young people either placed by Blackpool Council or with the written agreement of Blackpool Council children's services department.

The intention behind this is to ensure that sufficient provision exists locally to meet our needs, but also to provide enough flexibility for applicants to operate on a viable basis.

For example, if a place became available in a children's residential care home or semi-independent supported-living facility that was not required by Blackpool Council to accommodate a local child or young person, that place could be offered to a child or young person under the care of Lancashire County Council as part of the reciprocal duty to cooperate between the two Authorities. This arrangement would provide flexibility for the operator and would also enable the neighbouring Authority to meet its care obligation in a location where the child or young person could reasonably maintain any existing local connections.

In considering placements from outside of the Blackpool borough, the council's children's services team will be mindful of the particular needs of the child or young person and the nature of the service offered at the property in question. At all times the council's decision making will be driven by the best interests of the child or young person.

The council would be unlikely to support the placement of a child or young person from a remote authority unless exceptional circumstances can be demonstrated. For example, a placement may be accepted where the child or young person needs to be removed from their local area for their own safeguarding and they have relatives in Blackpool.

What will happen when the local need is met?

Naturally the local need for children's residential care home and semi-independent supported-living accommodation is dynamic and will change over time. However, the planning department will be guided by colleagues in children's services who will monitor the level of provision locally against the level of need that is emerging. If the council reaches a point where no new provision is considered necessary, applications for planning permission are likely to be refused. As such, applicants are strongly recommended to contact the council for advice prior to submitting a planning application.

Further information

Pre-application advice

The council offers a [pre-application advice service](#). Applicant's wishing to open a new children's residential care home or semi-independent supported-living facility may wish to take advantage of this service to establish the likelihood of obtaining planning permission for their proposal and to understand any specific requirements that may be necessary.

Public consultation

As this document is intended as an advice note to provide clarification and information on the council's approach to dealing with applications for children's residential care homes and semi-independent supported-living facilities, no public consultation has been undertaken on its content.

Sustainability appraisal

The Blackpool Local Plan 2001-2016, including Policy BH24, has been subject to a sustainability appraisal. Equally, the emerging Blackpool Local Plan Part 2: Site Allocations and Development Management Policies, including draft Policy DM3, will be subject to a sustainability appraisal prior to adoption. As such, no separate sustainability appraisal has been carried out for this advice note.

Given the purpose, content and scope of this advice note, it is not considered to trigger a requirement for a Habitats Regulations Assessment (HRA). Useful numbers

Development management (planning) – 01253 476193
Children’s Services (need and operation) – 01253 477793

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