

Development Management – Delegated Officer Report

Application Number: AWD/0572/26 Recommendation: APPROVE

Site: Normandy House, Old Shoreham Road, Lancing, West Sussex

Proposal: Non Material Amendment to AWD/0766/23. Amendment seeks to revise the wording of the permitted use to distinguish between front-line care staff and mandatory management/emergency personnel.

REVISE WORDING FROM:

"The change of use of a dwelling (C3a) to a children's home for a maximum of five children, with four carers, carers two of whom sleep overnight, working on a rota basis (C2)"

REVISE WORDING TO:

"The change of use of a dwelling (C3a) to a children's home for a maximum of five children, with four carers on site at any one time working on a rota basis plus a Registered Manager and/or Deputy Manager, with allowance for on call staff as required by Ofsted statutory regulations (C2)"

Date of Site Visit: Visited when considering previous application

No neighbour notifications.

Proposal, Site and Surroundings

The application site is an existing dwelling house to the north of Old Shoreham Road near Lancing Manor roundabout consisting of a detached, two storey building with rooms in the roof. It is set back from the highway on elevated ground level, with parking and turning space to the frontage and an enclosed rear garden. Consent has been granted at the site for extensions and alterations to the dwelling under AWD/1141/21 and AWD/1217/21 for a loft conversion and first floor extension. Works have been completed and the outcome is a five bedroom detached house with annex internally linked, there is parking for six vehicles to the front, cycle and refuse storage. There is fencing to the front of the site with an open vehicular access onto the highway, the dual carriageway to the south.

The site is not a Listed Building or within a Conservation Area.

Planning consent was sought and refused in December 2023 under AWD/0766/23 for Change of use from residential dwelling (C3a) to a children's home (C2) for a maximum of five children with four carers. It was recommended for approval and committee members overturned the recommendation and the application was refused for the following reason: -

"The proposed location for the children's home is inappropriate in view of its proximity to the busy A27 and the lack of safe pedestrian access to local services. Therefore contrary to Policy 15 of the Adur Local Plans and the NPPF."

Following this refusal a Certificate of Lawfulness was issued for the proposed use of a C3a dwelling as a children's home for a maximum of two children with up to three carers, two of whom sleep overnight, working on a rota basis (C2) AWD/1687/23.

After this time the previously refused application was allowed at appeal and approved with the following description. "The change of use of a dwelling (C3a) to a children's home for a maximum of five children, with four carers, carers two of whom sleep overnight, working on a rota basis (C2)"

The current application seeks to make a non material amendment to this application. The applicant has submitted supporting information to advise that due to the wording of the description of the development this has prevented Ofsted from being able to consent to the opening of the children's home.

"Under the Children's Homes (England) Regulations 2015 (Regulation 27), every registered home must have a Registered Manager and/or Deputy Manager to provide lawful oversight and leadership. Ofsted interprets the current planning description (four carers) as a total personnel cap. This makes it impossible for us to provide the required number of front line care staff while also having the mandatory management present on site."

Therefore the request is to amend the application description to allow for the required statutory staff requirement.

The applicant has provided evidence from documents including 'Ofsted's notice of proposal to refuse' which references Regulation 13 relating to the leadership and management of children's homes. Ofsted's concern is that the existing planning permission description specifies four care staff on duty but does not provide for a Registered Manager to be on site. Ofsted require this for registration, along with any emergency staff which may be required in unforeseen circumstances.

The document concludes "The unresolved planning issues pose a hinderance to the provider commencing operations with suitable staffing arrangements." "It is Ofsted's view that the provider will not have sufficient staff to provide safe, appropriate or good quality care." The planning permission would not allow for sufficient staff and managers to safely care for the children and provide suitable management oversight of the home.

A full copy of "Notice of proposal to refuse registration to carry on a children's home" received by the applicant from Ofsted has been provided to accompany this application.

Planning Assessment

Principle

A provision to provide a mechanism to make non-material amendments to planning permissions was introduced via Section 190 of the Planning Act 2008, which inserts

Section 96A into the town and Country Planning Act 1990. There is no statutory definition of what 'non-material' is. This is because it is so dependent on the context of the particular scheme, what may be non-material in one context may be material in another. In order to grant an application an LPA must be satisfied that the amendment sought is non-material. In assessing an application for a non-material amendment the Government's guidance in 'Greater Flexibility for Planning Permissions' states that the LPA must have regard to the effect of the change, together with any previous changes made under s96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. In this case neighbour notifications were not considered necessary.

The original description gave rise to concerns from Ofsted as it restricted the number of staff on site at any time to four. This does not allow for the flexibility which Ofsted required to allow for a registered manager or deputy manager or any on call or emergency staff required in exceptional circumstances.

It is considered in this case that the proposed use and intensification of use of the site will remain the same as that originally approved. The number of children being cared for will remain at five. The presence of an office based manager or on call emergency staff member for exceptional circumstances would not give rise to change in character of the permitted use. Traffic movements and activity at the site would still remain similar to that of a family dwelling. A material change would not occur.

Recommendation

That the application for non-material amendment by APPROVED

Reason

The proposed change to the wording of the description to allow for a manager and/or on site emergency staff would not give rise to a material change to the use of the site as a children's care home. There would be no material change in this case.

It is therefore considered that the above development should be considered under the provisions of s.96A of the Act.

Case Officer: Hannah Barker

Date: 2nd June 2026

Authorised by: Peter Barnett

Date: 3 June 2026