

"All proposals for new buildings for children's homes will require planning permission. Frequently, however, the proposal is to use an existing residential dwelling house for the purpose. In such instances it will be necessary to determine whether a change of use of the building, requiring planning permission, is involved. This requires a judgement, having regard to the provisions of the latest government advice and guidance and any relevant case law. The Use Classes Circular updated in March 2005, clarifies that proposals for small care homes should be assessed/determined as a class C2, 'Residential Institutions', use class, distinct from the Class C3 'Dwelling Houses' class. Accordingly, in most cases, planning permission will be required for the change of use".

This will be welcomed by all my constituents. I congratulate Stockport council on issuing this new planning advice.

However, the problem is not just a Stockport problem. It is a national issue. Last week I tabled a parliamentary question asking how many planning applications for children's homes under C2 had been submitted, granted and refused in each local authority in England and Wales in the past five years, but I was told that this information was not held centrally. This makes it very difficult to establish the extent of the problem.

It is right that, in the interests of the welfare of the young people placed as well as the wider community, the suitability of the location be considered. That can be done only through a planning application and the process of consideration of that application. My right

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hon. Friend the Secretary of State for Children, Schools and Families said last week that the Government response on the draft national minimum standard is due in June. If standard 23 is accepted, the presumption that all applications for children's homes will have been through a thorough planning application will have implications for the current interpretation that children's homes are C3 use and no planning approval is required to open one.

I agree that the use classes order must strike a balance between the categories that are too broad, which leave local planning authorities with too little control of changes, and the categories that are too narrow, which increase the number of planning applications. I understand that tension, but, if planning authorities try to deal with the difficulties of community opposition to a children's home by simply not introducing a planning process, local people's hostility to children's homes will continue.

Although avoiding a planning process may be less difficult in the short term, it will not be easier in the long term if children's homes turn out to be in unsuitable locations, because the residents will blame the local council for failing to consider their interests. The best way of getting community support for children's homes is to ensure that there is a proper planning process, and that local residents' comments are taken into account and reflected in planning conditions. The wider community would then feel that it had some influence and control over the process, because it clearly does not have any at the moment. A proper planning process would also mean that any failure to comply with planning conditions could be reported to Ofsted, which would take that into account in its inspection of the home. That would help raise standards.

There should be a proper planning process for children's homes. A Greater Manchester police analysis showed that 81 per cent. of children missing from home in Stockport are missing from children's homes, compared with a conurbation average of 65 per cent. of children running away having gone missing from children's homes.

**Helen Southworth (Warrington, South) (Lab):** I congratulate my hon. Friend on securing this important debate and recognise her contribution to the Government's support for children who either go missing or run away from care or from home. Would planning approval for a change of use provide police forces with the information that they need on the number and location of children's homes in their area? A senior police officer told me last week that he had not been able to obtain from the registration authority the information on the location and number of children's homes in his police force area, and that he had had to resort to checking the Yellow Pages and other advertising media in order to identify their location. Would my hon. Friend's proposals have any wider benefits than those that she has already identified by virtue of their helping those authorities that needed to work together?

**Ann Coffey:** I thank my hon. Friend for that intervention. She is absolutely right: it is very important that the inspection of children's homes take into account the widest possible range of comments from the local agencies that are involved with the children from the home in question. A proper planning process would enable the police and other local agencies to comment on what

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was happening in that neighbourhood and provide better details to inform the planning decision on whether the location was appropriate for a home. Furthermore, the owners of a home would therefore try their very best to ensure that a proper management system was in place, because without one they would break their planning conditions, and that in turn would affect their registration. That process would be important in raising standards.

Our local authority has a larger number of children missing from home, compared with the conurbation average of 65 per cent. of children running away having gone missing from children's homes. That reflects the complex difficulties of those young people, the high level of private provision in Stockport and the difficulty that those private homes have in managing such children. It also gives some indication of the pressure on local agencies. I welcome the measures in the Children and Young Persons Act 2008 to restrict out-of-borough placements. That should help, but it will not resolve planning process issues.

Young people in the care system face huge challenges and often come from very dysfunctional families. Children's homes must have proper management systems and provide the high-quality care that is needed to improve the life chances of those young people. The registration process is integral to the establishment of those high standards, and so is the planning process. The Government have consulted on planning responses to HMOs and recognised the problems caused by high concentrations of those homes. However, I urge my hon. Friend the Minister to undertake a similar consultation on the possible planning responses to children's homes, and to remove the current ambiguities of the single household—a singularly unhelpful definition that has had its time. That would also ensure that people, wherever they live, have the protection of planning laws that respond to the challenges of providing high-quality children's homes in appropriate locations. Times have changed since 1987, and the planning laws need to be adapted. I urge my hon. Friend to bring about the necessary changes.

9.24 pm

**The Parliamentary Under-Secretary of State for Communities and Local Government**

**(Mr. Ian Austin):** I thank my hon. Friend the Member for Stockport (Ann Coffey) for securing this important debate on planning and children's homes. She has spoken eloquently of the issues that arise in providing accommodation for looked-after children. It is clear that this matter is of particular concern in Stockport because of the relatively high concentration of such children in that area.

I am very sympathetic to the problems that my hon. Friend has described. While we must address the needs of vulnerable children, we must also assess the needs of the community in which they live. The aim of the Government's policy on looked-after children is to ensure that all children's homes are properly run and situated in locations that take into account the safety and protection not only of the children living there but of the local community. As she said, all children's homes are subject to national minimum standards that are underpinned by regulations governing the running of the home. I understand that she has been active in commenting on the draft national minimum standards that were the subject of recent consultation, and she is to be commended for that.

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The standards call for those running children's homes to prepare and implement a policy that sets out measures of control, restraint and discipline and to show how the home will promote appropriate behaviour. They also require a home and its registered manager to maintain appropriate links with the local community to ensure good relations with neighbours. The regulatory system thereby aims to tackle problems of the sort that my hon. Friend has described by ensuring that children's homes are run in a way that promotes good behaviour and addresses antisocial behaviour when it occurs and maintains links with the host community to foster good relations.

Children's homes must be registered with Ofsted, which is responsible for registering and inspecting care homes. In considering an application for registration, Ofsted will look carefully at the fitness of the applicant and the skills and experience of the proposed manager. Where homes do not meet the required standards, Ofsted has a range of enforcement powers at its disposal. Action needs to be taken against poor homes, in the interests not only of local communities that may be affected but of the children living there. Ofsted has a key role to play in driving up standards through the inspection of children's homes.

Through the Children and Young Persons Act 2008, Ofsted has been given further powers to take action against homes that do not meet standards or regulations. These include new powers such as restricting new admissions to a home. Further provisions will ensure that all local authorities are notified of enforcement action being taken by a home in cases where the chief inspector has brought proceedings or where a notice to cancel registration has been issued. These measures should lead to greater transparency and will improve the information available to local authorities in making decisions about commissioning placements. I would expect any local authority to investigate instances where a children's home has been badly run or is the subject of complaints from the local community.

My hon. Friend has raised the planning aspects of providing accommodation for looked-after children, particularly in relation to concerns about the operation of the Town and Country Planning (Use Classes) Order 1987. The planning system is primarily concerned with the use of land and the effect on amenity of any alteration or changes to the use of land. It may be helpful if I explain briefly how the order works. It operates by grouping together into classes land uses that have similar amenity impacts. The order allows changes between certain land uses where the amenity impacts of such would be minimal, without the need for planning permission. In most cases, the permissible change of use is within the same class, but there are cases where movement between classes is permitted. For example, premises currently used as a restaurant-class A3-could be converted to a shop, which would be class A1, without the need to seek planning permission, because the impact of a shop on the surrounding area would be likely to be the same or less than that of a restaurant.

The order is intended to be a deregulatory mechanism that allows changes of use with minimal impact in terms of land use and amenity. This removes the need

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for the time and expense of making a planning application and allows local authorities to concentrate their planning resources where they are most needed. However, it is for local planning authorities to decide on a case-by-case basis which class a particular use falls into. When a change of use occurs, the local planning authority must consider whether a material change has occurred that would require planning permission. The planning guidance from Stockport council, which my hon. Friend quoted, recognises that. It is an important principle that material change of use is the test for whether planning permission is required.

Under the use classes order, I would expect most children's homes to fall into the same use class as other residential institutions, such as nursing homes or training centres-class C2. It applies when there are more than six occupants, or when the occupants are not considered to be living together as a single household.

However, as my hon. Friend said, it is also possible that some smaller children's homes could fall into the same class as dwelling houses-class C3. That use class provides for dwelling houses used by a single person or a family, but also for small groups of people living together as a single household, including cases where there is an element of care. As she has been advised, there is discretion in the way in which local planning authorities apply that. It is important to retain some discretion to avoid unintended consequences, given the variety of living arrangements that broadly have the same planning impact.

Depending on the particular circumstances, there may be occasions when a house previously occupied by a family could be changed to a children's home, which would take the premises into class C2 and so require planning permission. There could also be instances of such a change resulting in a children's care home that would still be classified as C3 in planning terms. For example, it would be difficult to argue that significantly different planning impacts arise from a family of six living in a house on the one hand, and four or five children with a carer living there on the other.

My hon. Friend has drawn attention to the need to consider carefully the location of a home for looked-after children, in relation to the needs of children and young people and to those of the host community. I absolutely agree that such considerations should be carefully applied, and they can take place in other ways, in addition to the planning system.

For example, the draft standards that my colleagues in the Department for Children, Schools and Families are considering include draft standard 23, which says among other things that

"location is carefully considered at the planning stage for a new home",

and that

"the home is situated in a location which takes into account the safety and protection of children living there and the community."

The importance of that is already stated in the "Children Act 1989 Volume 4: Statutory Guidance on Residential Care". Those provisions are not about blanket planning requirements, but are intended to make providers of children's homes consider the location when setting up a children's home.

For example, particular thought should be given to the suitability of the location for providing an environment helpful to each child's development, by giving access to

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schools, shops and amenities. The standard also lays down that thought should be given at the planning stage to any aspects of design and location which might assist in maintaining a responsible, positive relationship with the neighbourhood.

As my hon. Friend pointed out, the nature of children's homes has changed over the years and I am sure that it will continue to change. It is therefore right that local authorities have the discretion to determine on a case-by-case basis whether a material change of use has occurred basis so that we can achieve a balance between giving local authorities strong powers to shape their local areas and not being unduly burdensome on users of the planning system.

**Helen Southworth:** Will my hon. Friend give particular consideration to the point that I made earlier? It is so important that local authorities and police forces work together to protect vulnerable children. An aspect of that, considering the police of the 24/7 authority, to which missing children are reported, is that they know where children's homes are located in their area and can build up a relationship with them. Will the Minister consider how he can use the levers in his Department to help with that?

**Mr. Austin:** I thank my hon. Friend for raising that important point, which she mentioned earlier. I hope that she accepts that I am not an expert in the way in which the police and local authorities react to those matters. I am surprised, because I would have thought that, if the standards require proper management, it is reasonable to expect what my hon. Friend suggests to happen automatically. I will ask ministerial colleagues

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who are responsible for those matters to contact my hon. Friend and perhaps meet her to discuss them.

**Helen Southworth:** I should also like to mention comments that have been made in the past few weeks on national indicator 71, in which my hon. Friend's Department has a key interest, on support for runaway and missing children. It has been in place since April last year, and the evidence I am getting from local authorities, police forces and charities working with vulnerable children is that it is driving change very effectively. Will he consider how he can support that?

**Mr. Austin:** My hon. Friend is an acknowledged expert on such issues and probably knows more than any other hon. Member about how those things work. I would be happy to look at the details and perhaps to arrange for her to meet officials in my Department so that she can provide evidence as to how those measures are working on the ground.

**Ann Coffey:** Will the Minister and some of his officials meet me to explore further how the planning responses to the HMO document might impinge on the planning applications for children's homes, particularly as they are clear that the single household definition is unhelpful? As he knows, the definition also applies to whether a children's home application is determined as C2 or C3 use. It would be helpful if I had the opportunity to discuss the matter further with him.

**Mr. Austin:** I would be very happy to meet my hon. Friend to discuss this matter and also to ensure that she can have proper discussions with officials.

*Question put and agreed to.*

**9.36 pm**

*House adjourned.*