

CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY
COMMITTEE – 3 MARCH 2026

QUESTIONS ASKED UNDER STANDING ORDER 7

Question asked by Mr A. Innes CC:

“It has come to my attention that a number of homes across the County have had their use changed from a dwelling to other uses (for example a children’s home) through a certificate of lawfulness, issued by borough councils. Specifically, there is a home that has been given this certificate in Melton Mowbray, where the location is unsuitable for a number of reasons. Local residents have no say in the placing of these homes, and this is causing stress and anxiety for these residents.

Is it possible for the County Council (LCC) to put in place a policy that only residential care homes, that have gone through full planning consent, can be considered for placing children and adults that are ultimately under the care of LCC?”

Response by the Chairman:

“Planning applications for children’s homes are dealt with by the relevant Local Planning Authority (LPA) The LPA for the area in question is Melton Borough Council. You refer to a certificate of lawfulness. These are in fact called a Lawful Development Certificate.(LDC) These are administered by the relevant LPA and are a legal and binding confirmation that a change is already lawful and does not need planning permission. They are issued as confirmation that planning permission is not necessary, not as an alternative to planning permission. Leicestershire County Council has no control over this process. Providers of children’s homes services are regulated by law by Ofsted, again something the Council has no control over.

Provided LDC’s are obtained by providers then the use of the property by the provider as a children’s home is entirely lawful. Therefore, it is not possible for the council to adopt a blanket policy of only placing children in homes where the provider has obtained planning permission. It would have the effect of penalising and discriminating against providers who have used a lawful and correct process. It would very likely be considered by the courts as being an irrational and unreasonable decision by a public body.”

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