

# Bury Early Years

## Childminding and the Need for Planning Permission

### Childminders

As a childminder running a business from your own home you need to be aware that you may need to apply for planning permission. This will be determined by a number of factors and it is at the discretion of the LA planning department who will take into account the individual circumstances of each case. The following guidance contains information for Bury childminders. If you have any further questions regarding this please contact the planning department (contact details are in the guidance).

### Background

There is no current guidance published by Government of this matter. However, advice is contained in PPG4 (as amended in 1992 and now superseded). Here at para. 32 it is stated that "Homeworking does not necessarily require planning permission. Permission is not normally required where the use of part of a dwelling house for business purposes does not change the overall character of the property's use as a single dwelling. For instance, the use by a householder of a room as an office or child minding complying with the Department of Health's standard recommended ratios, would be unlikely to mean that the character of the house's use as a single dwelling had ceased and would not normally require planning permission. Those considering working from home are advised to seek the advice of their local planning authority at an early stage."

"Once the business or non-residential use of the property ceases to be ancillary to its use as a single dwelling, because, for example, the business has grown and the use of the dwelling for activities relating to the business has intensified, a material change of use for which planning permission is required is likely to have taken place. The likelihood of there having been such a material change of use maybe indicated where the business or non-residential use generates visitors, traffic, noise or fumes over and above what might be expected of the property were in use as a single dwelling without any ancillary use. Local planning authorities should take steps to ensure that such developments are effectively controlled, and should be prepared to refuse planning permission or to use their enforcement powers where appropriate."

Thus some basic ground rules were laid down by ministerial policy and this has subsequently been tested at Appeal and in the Courts. It would be fair to summarise that if a use does not significantly alter the ambience of a house, either in terms of appearance, noise, smell or comings and goings, if no special equipment, not normally found at a house is installed and if the room or rooms used could easily revert to residential use at the end of the working day, then it can be concluded that a material change of use has not occurred. If the uses are so minor or have only occurred briefly or intermittently, then the legal concept of de minimis may well be applicable.

Case law has established that up to 6 children (including the owners own) is unlikely to amount to development a suitably sized property (3/4bed), however, the character of the area and whether or not staff are employed can also impact on the requirement or not for Planning Permission.

The type of information we would need to look at includes:

- The hours and days of the proposed use.
- The number and type of rooms in the dwelling.
- Whether any rooms would be set aside solely for childminding
- In addition, details of childminding staff, parking and traffic movements, facilities to drop off children without adversely affecting highway safety and of any other non residential use at the property is relevant.
- It is also worth bearing in mind that any "sleepovers" of children may be considered to be a material change of use to that of a residential institution, which would require planning permission.
- The marketing or advertising can also be a consideration especially if signage is located on the premises as this clearly changes the 'character' of these premises (this would also need Advertisement Regulations Approval)

The size of the house, its garden and parking facilities are all relevant in determining whether permission will be required. A very rough rule-of-thumb, when dealing with ordinary residential houses, we tend to adopt an approach of fewer than 3 children may not need permission, but more than 6 probably will, however each case will be considered on its merits.

### Summary

The following rules can be set:

1. If there are less than 3 children being cared for (including the minders own) Planning Permission won't be needed.
2. Between 3 and 6 it is unlikely that Planning Permission would be needed but we would always suggest that any new childminder should apply for a Lawful Development Certificate to confirm the situation.
3. Over 6 children, Planning Permission is likely to be needed and the childminder should check with the Planning department.

Further information can be found at

- [Working from home – Planning Permission](#)
- [Planning Permission – Lawful Development Certificates](#)

Contact details:

Development Management Team  
Bury Council Environment and Development Services  
3 Knowsley Place  
Duke Street  
Bury, BL9 0EJ

**Reception opening hours – 08.45 to 15.30 Monday to Friday**  
**Email – [planning@bury.gov.uk](mailto:planning@bury.gov.uk)**  
**Telephone – 0161 253 5432**

*Correct as from April 2018*