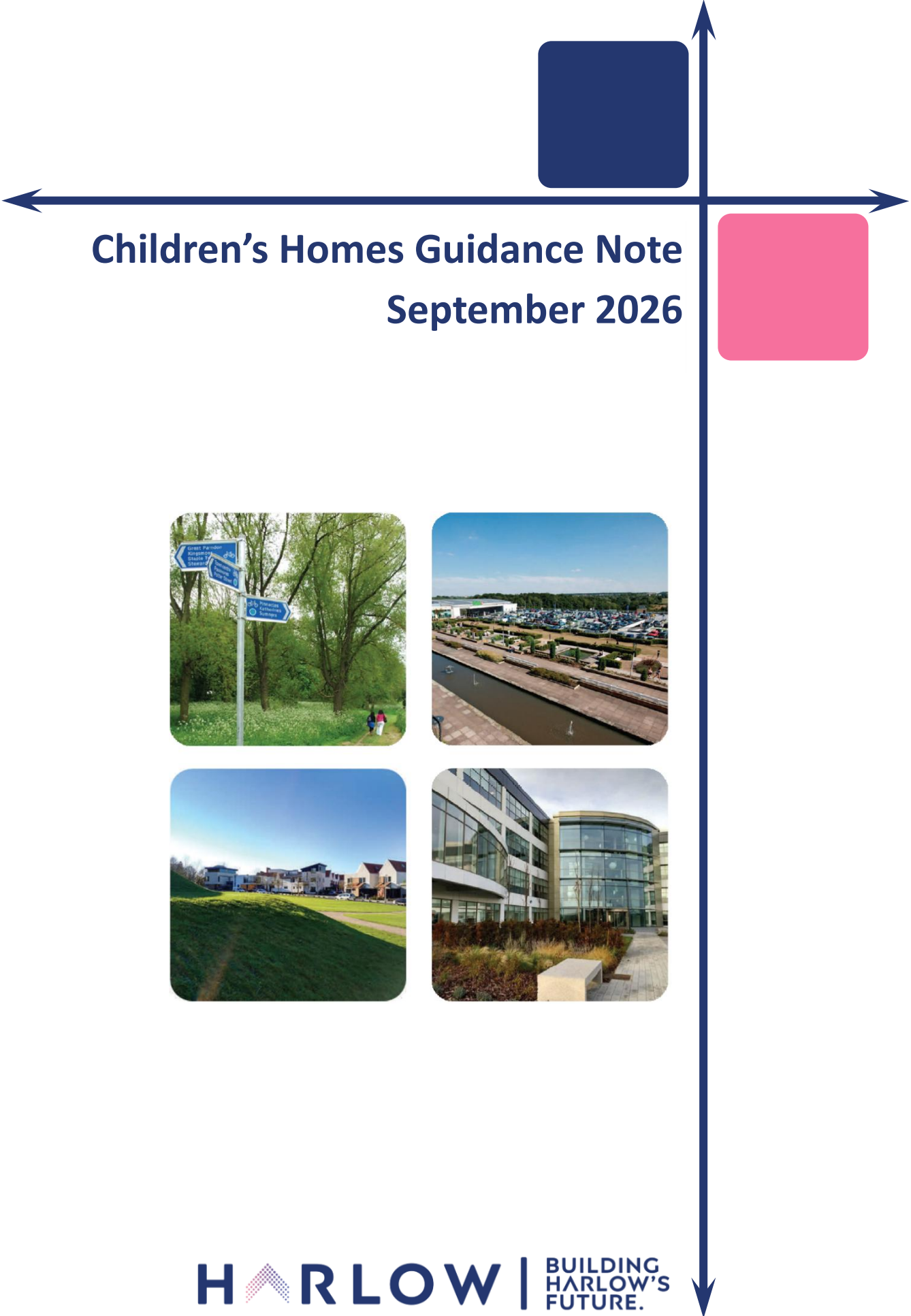




Children's Homes Guidance Note

September 2026



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1 Introduction

1.1 Background and Purpose

- 1.1.1 This guidance note has been produced following an increase in the number of planning applications received for changes of use of dwellinghouses to children's homes across Harlow.
- 1.1.2 This note provides information on relevant legislation and policy and how this informs the decision-making process for planning applications for children's homes in Harlow. It supports applicants involved in submitting planning applications and planning officers involved in determining planning applications.
- 1.1.3 To ensure children's homes that are provided in Harlow mitigate any impact on local communities and services, this guidance note will set out the roles of Ofsted in regulating children's homes and Essex County Council in providing social care, the national and local policy and legislation related to providing children's homes and the planning process for applying for children's homes and what information is required to be submitted by an applicant for planning permission.
- 1.1.4 This guidance note does not create new policy, but it does reference existing policy and is considered to be a material planning consideration in the determination of planning applications.

2 Children's Homes

2.1 Introduction

- 2.1.1 A children's home is a place where vulnerable children and young people, who cannot live with their own families, live or stay, either as a solo placement or multi-placement home. The homes offer a safe and nurturing environment where children, under the care and support of trained and qualified staff members, are able to grow and develop. They aim to meet the emotional, educational and physical needs of children focusing on helping children cope with past experiences and build positive relationships, provide access to education and support academic endeavours as well as access to medical care and general needs.

2.1.2 They focus on the wellbeing and welfare of children who may have experienced abuse, neglect or other challenging circumstances in their family life. These regulated homes therefore play a key role in providing an important part of the social care provision for children, meeting complex needs by providing therapeutic care through a home-like atmosphere.

2.1.3 A written ministerial statement was issued on 23 May 2023 on '[Planning for accommodation for looked after children](#)' and set out the following:

- 'The planning system should not be a barrier to providing homes for the most vulnerable children in society.'
- 'Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country.'
- 'It is important that prospective applicants talk to local planning authorities about whether their service is needed in that locality, using the location assessment (a regulatory requirement and part of the Ofsted registration process set out in paragraph 15.1 of the Guide to the Children's Homes Regulations) to demonstrate this.'

2.1.4 The government set out its ambitions for children's social care in its publication of '[Keeping Children Safe, Helping Families Thrive \(2024\)](#)'. It noted the following:

- 'We recognise that planning permissions and the need to register a children's home can be challenging to overcome when establishing new residential provision where it is needed. That is why we will work with Ofsted to consider a fast-track route for the registration of selected new children's homes ensuring that the type of providers we are encouraging back into the market...can establish new homes more quickly where they meet the entry criteria and checks specified by Ofsted '
- 'MHCLG has recently consulted on changes to the National Planning Policy Framework to make it explicitly clear that local planning authorities must consider the need for children's homes as one of the types of specialist housing in their area.'
- 'We will look to go further and work with MHCLG to consider potential legislative options or further changes to support the delivery of small children's homes. Any planning changes taken forward will be coupled with the strengthened location assessment helping to ensure the right homes are provided in the right places.'

- ‘...as part of Ofsted’s registration assessment for new provision, we are going to strengthen the location assessment by including a requirement for an application to register a children’s home be accompanied by an endorsement from the relevant children’s services team that they have determined that there is a local need for the proposed children’s home.’

2.1.5 [The Children Act 1989](#) requires local authorities, in Harlow’s case this is currently Essex County Council, to secure accommodation for children in their care within 20 miles from their home and within the local authority boundaries where possible and appropriate. This is known as the Sufficiency Duty.

2.2 The role of Ofsted

2.2.1 The [Care Standards Act 2000](#) legally requires children’s homes to be registered with Ofsted to help regulate who can own, operate, manage and work in a children’s home and therefore sets out rules for registering and inspecting care services.

2.2.2 The Children’s Commissioner report on ‘[Children living in illegal children’s homes \(2026\)](#)’ highlighted that the insufficient number of registered children’s homes has led local authorities to place children into unregistered homes which are unsuitable for their needs.

2.2.3 Before registering with Ofsted, as set out in [guidance](#), an applicant must fully consider the suitability of the location of the proposed home and:

- Consult relevant local bodies and services, including the police and local authority children’s services, on their views
- Ask the local authority whether a new children’s home in the proposed area is needed
- Secure appropriate planning permission

2.2.4 The [Children’s Homes \(England\) Regulations 2015](#) and the [Guide to the Children’s Home Regulations including the quality standards \(2015\)](#) must both be taken into account when registering a children’s home. This includes a location assessment to demonstrate that the children’s home is needed in the area as well as address safeguarding concerns for the children considering the needs of the children and the accessibility of local services.

2.3 The role of Essex County Council

- 2.3.1 Essex County Council (ECC) has a Sufficiency Duty to place Children in Care (CIC) in safe, suitable and local placements such as a registered children's home. ECC considers the condition of the local market and the amount and type of supply of children's homes that currently exists as well as the capacity, quality and suitability of all providers and unique challenges for Essex.
- 2.3.2 As of April 2026, there are 1,238 children in care in Essex with 148 living in mainstream children's homes.
- 2.3.3 Demand is projected to increase dramatically with 1,820 anticipated children in care by 2030, of which 344 are anticipated to require access to mainstream children's homes.
- 2.3.4 As of April 2026, there are 5 children's homes registered with Ofsted in Harlow, offering a total of 15 placements. Of the 73 Essex children in care in Harlow, there are 5 children accessing mainstream children's home placements.
- 2.3.5 The remaining placements are likely to be either vacant, unable to be utilised due to peer risk (for example a child cannot be placed with other children) or children are placed there from other local authorities.
- 2.3.6 Essex's sufficiency strategy identifies a need for additional specialist residential provision (emergency placement, short term and long-term placements), particularly for children and young people with highly complex needs, including:
- Same day emergency placements
 - Step downs from Tier 4 mental health beds
 - Children and Young People subject to Deprivation of Liberty Orders (DoLS)
 - Children and Young People at risk of Child Sexual Exploitation (CSE) or criminal exploitation
 - Children and Young People with substance misuse issues
- 2.3.7 Providers of Children's Homes interested in contributing to Essex's sufficiency by opening children's homes in Harlow are encouraged to discuss their plans with ECC ahead of submitting any planning applications. This aligns with Ofsted expectations.

2.3.8 To respond fairly and transparently to the requests from Children's Homes Providers, ECC has:

- Published an online [Market Position Statement](#) for a suite of children's services including but not limited to, residential homes.
- Undertaken a series of market collaboration events with a focus on securing feedback on the prospect of delivering emergency provision in Essex based children's homes.
- Published the series of market collaboration events on the [Central Digital Platform \(CDP\) – Find a Tender](#) which is a national resource which advertises all public sector procurements. Please note that details of any future events will also be published on CDP. Providers can review this platform to secure insight into potential opportunities.

2.3.9 ECC Commissioning, Procurement and Social Care Operations teams have also set up a weekly drop in sessions for providers to meet with them. The sessions are for:

- Providers to be able to introduce themselves, share their ambitions and plans
- ECC to share information about sufficiency and residential strategies and local initiatives

2.3.10 The drop ins are informal and are not designed to offer formal advice on planning applications and/or provide any guarantee of volume of work. However, ECC may provide signposting guidance in relation to potential opportunities which provider may wish to explore.

2.3.11 The drop-in sessions run weekly via MS Teams. The sessions can be booked by emailing the [Residential Strategy Team](#).

2.3.12 When a planning application is made to a housing authority, ECC are invited to respond to the application and will set out their support where the application makes clear that it meets local need. An application can do this by including the following supplementary information:

- A Statement of Purpose for Ofsted Registration setting out how the home will meet need in Essex
- Location risk assessment

2.3.13 Where an application does not meet Essex Sufficiency requirements, or it is unclear how it will meet Essex Sufficiency requirements, ECC will set this out in their response to the planning application.

2.3.14 Further information to help providers understand how best to engage with ECC and how ECC respond to C2 applications and Ofsted support letter requests can be found on ECC's website - <https://www.essexproviderhub.org/children-s-services/contacts/new-to-essex-children-s-homes-consultations/>

3 Planning Policy

3.1 National Planning Policy

3.1.1 The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these should be applied. It provides a framework within which locally-prepared plans for housing and other development can be produced.

3.1.2 The [NPPF \(2026\)](#) sets out plan-making policy HO1 assessing the need for homes. This sets out that development plans should take into account an assessment of the size, type and tenure of housing or other accommodation needed for different groups, which includes looked after children, the evidence of need for which is found in the [Children's Social Care Sufficiency Strategy](#) and those who require other specialist community-based accommodation.

3.2 Local Planning Policy

3.2.1 The [Harlow Local Development Plan \(HLDP\)](#), which was adopted in December 2020, sets out the long-term planning vision for the district and guides future development across Harlow to 2033.

3.2.2 There is no specific policy relating to children's homes, however, the Plan sets out a number of policies that are relevant to the provision of children's homes in Harlow.

3.2.3 Policy PL1 requires a high standard of urban and architectural design for all development and must meet the criteria set out.

3.2.4 Policy PL2 seeks to protect the amenities of residents.

3.2.5 Policy H4 relates to the loss of housing and seeks to resist the loss of buildings in residential use, either via change of use or demolition.

- 3.2.6 Policy H5 states the provision of specialist housing developments will be supported on appropriate sites that will meet the needs of older people and other groups.
- 3.2.7 Policy H6 states an appropriate mix of housing tenures, types and sizes will be expected to be provided to meet the needs of different groups within Harlow and to provide a choice, as required by national planning policies and guidance.
- 3.2.8 Policy IN2 sets out criteria to be followed on the impact of development on the highways network including access and servicing.
- 3.2.9 Policy IN3 states that vehicle parking must be provided in accordance with the adopted Essex Parking Guidance, unless otherwise indicated elsewhere in the Local Plan and/or supporting evidence.

4 The Planning Process

4.1 Planning Permission

- 4.1.1 Planning permission is generally required for development which includes the making of any material change in the use of any building or other land.
- 4.1.2 [The Town and County Planning \(Use Classes\) Order 1987](#) includes the following classes relevant to children's homes:
- C2 Residential Institutions – use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3 (dwelling houses). Use as a hospital or nursing home, use of a residential school, college or training centre.
 - Class C3 Dwelling Houses – Use as a dwellinghouse (whether or not as a sole or main residence) by:
 - a. A single person or by people to be regarded as forming a single household;
 - b. Not more than six residents living together as a single household where care is provided for residents; or
 - c. Not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4)

- 4.1.3 A children's care home, therefore, could fall within Use Class C3(b) where the total number of residents does not exceed six and the carers and the cared-for live as a single household. The definition within 3(b) does not refer to 'personal care' and parents provide care for their own children as a household, this is the same function as a shift care worker. Depending on occupancy and level of care staff employed, an application for the change of use from C3 dwellinghouse to Children's Care Home could be considered permitted development.
- 4.1.4 Permitted development however, under Use Class 3(b) provision has given rise to debate in case law, particularly where carers do not permanently live at the premises but operate on a shift basis. The consensus is that constantly changing supervising adults cannot be considered part of a household. For a household to be created there would need to be at least one permanent adult living on the premises with the children. Whilst care homes in general are of a similar function to a dwelling house, the additional activity of shift changing and cars may also provide a material change of use.
- 4.1.5 In the case between *North Devon District Council v The First Secretary of State (2004)*, it was held that where the carers did not live permanently within the premises, the occupants would not be living together as a single household and consequently would not fall within Class C3. The main issue, however, was whether the lack of any carers 'living' within the property materially changed the character of the property as a dwellinghouse. It was the inspector's opinion that it did not. Although when carers visiting the site would increase activity, this would not disturb residents or affect the character of the area. Additionally, although residents were fearful about the children committing anti-social acts or increasing crime levels, he decided that it was not inherent in the character of a children's care home that the proposed use of the property would have an adverse impact upon the local community and welfare services. Consequently, this was not a factor which would materially alter its basic character as a dwellinghouse. The children would be supervised and must obey a set of written rules but in his view, it was not uncommon for a family to have its own set of unwritten rules.
- 4.1.6 Planning applications consider a wide-range of factors and allow for public input through consultation. The Council will base its decision on the Local Plan, the NPPF and any material planning considerations.
- 4.1.7 An appropriate property that is suitable for use as a children's home is considered to be dependent on the number of children that will reside at the property as well as their individual needs. Those properties with limited outside space and off-street parking are generally less suitable as children's homes.

- 4.1.8 As children's homes primary use is for residential purposes, they are appropriately placed in residential areas. A concentration of children's homes in a particular area may cause the character of the area to be adversely affected and it is therefore essential to determine whether there are any other children's homes in the area. The property should have access to local services such as schools, parks and health facilities ideally within walking or cycling distance.
- 4.1.9 Adequate parking provision to meet the needs of the home should be demonstrated and in accordance with the Essex Parking Guidance. Vehicular movements and frequency of access can be disruptive to the residential setting and impact on visual and residential amenity if intense in activity.
- 4.1.10 Adapting an existing property to meet the needs of children that may have complex needs may be considered appropriate subject to Local Plan policies and the Council's [Design Guide](#) and [Design Guide Addendum](#) Supplementary Planning Documents.
- 4.1.11 Planning applications must be submitted with all the correct supporting documents as set out in the Council's [Validation Checklists](#). The following information must be included with a children's home planning application, drawings or supporting statement:
- Parking provision
 - Visitor and staff arrangements
 - Number of children and staff
 - Shift patterns
 - Physical changes to the premises if required
 - Whether the applicant is an existing or new provider
 - Whether the premises is an existing or new children's home
 - Whether the applicant has spoken with Essex County Council on local need for the facility and information to that effect
 - Management plan
 - Location assessment
 - Statement of Purpose

4.1.12 Harlow's Development Management team will determine applications to ensure that the provision of children's homes are established in appropriate properties in suitable and sustainable locations.

4.2 Pre-Application Advice

4.2.1 Further information on the pre-application process can be found on the Council's website - <https://www.harlow.gov.uk/planning-and-building-control/planning-permission/request-planning-advice>