

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** FP/123/25/CLP**LOCATION:** 35 Firs Avenue
Felpham
PO22 8QA**PROPOSAL:** Lawful development certificate for the proposed use of a dwelling house to provide residential care accommodation to 3 No. young people.**DESCRIPTION OF APPLICATION**

This application seeks a lawful development certificate for the proposed use of a dwelling house to provide residential care accommodation to 3 No. young people.

RELEVANT SITE HISTORY**REPRESENTATIONS****Representations Received:**

None.

CONSULTATIONS**Consultations Responses Received:**

None.

LEGISLATIVE BACKGROUND

Section 192(2) of the Town and Country Planning Act 1990 states:-

If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

The application is for a Lawful development certificate for the proposed change of use of a residential dwellinghouse (Class C) to a residential institution (C2) for a small-scale childrens home. In this instance, the proposed change from Class C3 to C2 will be assessed against the Town and Country Planning (Use

Classes) Order 1987 (as amended) (hereby referred to as the Use Classes Order), in particular:

- Schedule 1, Class C2. Residential institutions
- Schedule 1, Class C3. Dwellinghouses

Provided the change of use satisfies the relevant criteria, and that no restrictive conditions to development have been imposed on the site, the proposed works will constitute Permitted Development and would not require planning permission. If the change of use fails to accord with the criteria then planning permission will be required for them to take place.

CONCLUSION

The change of use of a dwellinghouse (C3) to residential institution (C2) falls under the Town and Country Planning (Use Classes) Order 1987 (as amended).

Class C2. Residential institutions is defined under the Use Classes Order as:

- Use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3. Dwellinghouses, used as sole or main residences.
- Use as a hospital or nursing home.
- Use as a residential school, college or training centre.

Class C3. Dwellinghouses, used as sole or main residences, is defined under the Use Classes Order as:

- Use as a dwellinghouse as a sole or main residence and occupied for more than 183 days in a calendar year 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).

An application for a Lawful Development Certificate was submitted for the proposed change of use from dwelling (Class C3) to children's home (Class C2). The submitted planning statement outlines that there would be no material change in the use of the building. To establish whether there is a material change of use or not in this case, the key changes proposed are considered below. In considering the appeal ref: APP/C5690/X/23/3329560, the Inspector commented that the concept of a material change of use is not defined in statute or statutory instrument; it is a question of fact and degree in each case. For there to be a material change of use, there needs to be some significant difference in the character of the activities from what has gone on previously.

The property in consideration is 35 Firs Avenue, Felpham, a two storey detached house with two off street car parking spaces. The house has 3 bedrooms on first floor, and on the ground floor there will be rooms usually found in a dwellinghouse, i.e. a kitchen, lounge, dining room, WC and washing facilities, plus one additional bedroom for the use of care staff. The change of use will result in negligible change to the internal layout of the property.

According to the planning statement, there would be 3 children living at the house with two carers working on a rota basis and a manager present during the day. It is stated that there will be no more than three staff on the premises at any one time. It was confirmed with the agent that the children would live at the site on a long-term basis, normally 3-4 years.

The information submitted states that carers would work on 48-72 hour shift basis, which would minimize additional car movements to and from the property, with the manager accounting for two further daily car movements. Further vehicular movements would be typical journeys associated with the young people, including journeys to school and activities. Other vehicular movements which are specific to the proposed use, such as visits from ofsted inspectors and local authority social workers would be infrequent, and would not result in a significant increase in vehicular movements.

The proposed children's home aims to provide a stable home environment for the occupants, and it is important to note the length of stay of the occupants would be long-term and staff changeovers would occur every 48 or 72 hours. The property would be used in a similar way to a family home and is not materially different from the current use as a dwellinghouse in this instance. A house of this size would typically accommodate a family, and the comings and going to and from the property would not be significantly different to the existing use. Therefore, the use of this house as a home to accommodate up to three children and their carers would not be materially different from the lawful use as a family home, especially given the long-term nature of the occupants.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 28 August 2025 the use described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged in black on the plan attached to this certificate, was lawful within the meaning of section 192 of the Town & Country Planning Act 1990 by reason of compliance with the relevant criteria within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

FIRST SCHEDULE

The use has been assessed against the following documents:

- Location plan
- Existing and proposed site plan 502
- Proposed plans and elevations 003
- Planning Statement (Updated)

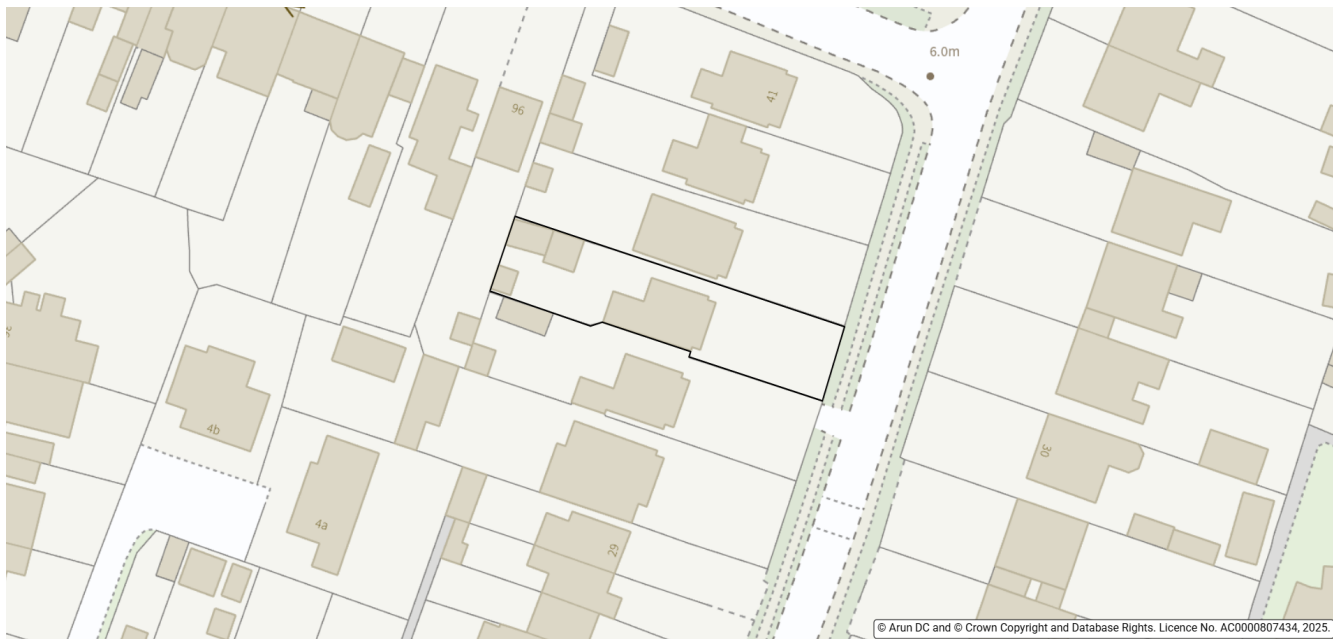
SECOND SCHEDULE

35 Firs Avenue, Felpham, PO22 8QA

EXTENT OF USE

Lawful development certificate for the proposed change of use from dwelling (Class C3) to children's home (Class C2).

FP/123/25/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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