

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development

REF NO: LU/281/24/CLP

LOCATION: 91 Wick Farm Road
Littlehampton
BN17 7HJ

PROPOSAL: Lawful development certificate for the proposed use of an existing dwellinghouse as a children's home (C3B).

DESCRIPTION OF APPLICATION

The application seeks a Lawful Development Certificate for the proposed use of an existing C3(a) dwellinghouse as a children's home C3(b).

RELEVANT SITE HISTORY

LU/258/24/CLP	Lawful development certificate for a proposed loft conversion with rear dormer, part hip to gable and front roof lights.	PP Not Required 11-12-24
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REPRESENTATIONS

Representations Received:

CONSULTATIONS

Consultations Responses Received:

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 C3(a) Residential Dwellinghouse, to a C3(b) small-scale children's home. In this instance, the proposed change from Class C3(a) to C3(b) will be assessed against the Town and Country Planning (Use Classes) Order 1987 (as amended) (hereby referred to as the Use Classes Order), and The Town and Country Planning Act 1990, in particular:

- Schedule 1, Class C3 Dwellinghouses, of The Town and Country Planning (Use Classes) Order 1987 (as amended)
- Section 55 of The Town and Country Planning (Use Classes) Order 1987 (as amended).

Provided the works satisfy 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 works fail to accord with the criteria then planning permission will be required for them to take place.

CONCLUSION

The change of use of a C3(a) dwellinghouse to a C3(b) care home for young people, falls under the Town and Country Planning (Use Classes) Order 1987 (as amended).

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).

This application for a Lawful Development Certificate has been submitted for the proposed change of use from a C3(a) dwellinghouse to a C3(b) children's home. The proposed occupiers are 3 No. children with learning difficulties or other mental health issues, and 1 No. live-in adult carer who would reside permanently at the property and provide 24/7 care for the children and forming a single household.

The property in consideration is 91 Wick Farm Road, a two storey semi-detached house with garage, front garden and hardstanding, but no access off-street car parking. The number of bedrooms within the property would increase, from 3 No. bedrooms to 4 No. bedrooms (three for the children and one for a live-in adult carer). There would be a kitchen/dining area at ground floor level in addition to WC and washing facilities upstairs, and a modest rear garden.

The supporting statement identifies that the level of care would be low, and that a non-resident carer would visit 4 times over a 7-day period to supplement and assist the resident carer in their duties as the head of the household. It also identifies that the number of clinician/social worker visits would be about 4 per month.

A single adult and 3 No. children living within the same house with approx. 20 visits from others in a 28-day to one calendar month period would not be materially different to the use of the property as a C3(a) dwellinghouse use.

Use Class C3(b) can include a household where care is provided for residents. Appeal Ref: APP/Y2003/X/16/3142336 clarifies that to form a 'household' for the purposes of Class C3(b), residents need not be related. It was also held in North Devon District Council v First Secretary of State and Southern Childcare Ltd JPL 1191, that children cannot form a household without the presence of an adult resident care-giver. Appeal Ref: APP/C4235/X/20/3244329 outlines that a resident carer who guides and looks after the resident children, albeit non-related, would constitute a single household. In this instance the occupants would not be related, but would occupy the unit as a single household, with the resident carer living alongside the children, sharing facilities and meals, with the children in question also being the recipients of 'care' in its definition under Article 2 of the Use Class Order.

As a 4 No. bedroom dwelling with 3 No. children receiving care and a permanent, resident adult carer, the proposal would constitute a single household in which care is provided and fall within Class C3(b) of the Use Class Order. The proposal therefore constitutes a change of use from C3(a) to C3(b) which fall within the same use class. Section 55((2(f)) of The Town and Country Planning Act 1990 states that the following will not be taken for the purposes of this Act to involve development of the land, 'in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.'

As the proposal falls within the same use class, it does not constitute 'development' and does not require planning permission.

With respects to the ground floor internal conversion and resultant addition of 1 No. bedroom, Section 55(2)(a(i)) of The Town and Country Planning Act 1990 sets out that the carrying out for the maintenance, improvement or other alteration of any building of works which affect only the interior of the building, do not constitute 'development' and do not therefore, require planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 12/11/24 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 not constituting 'development' under the provisions of Section 55 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE

The proposed change of use as shown on the following plans:

- Location Plan 24/0985/CPL-1.
- Proposed Floor Plans 24/0972/CPL-3.

SECOND SCHEDULE

91 Wick Farm Road, Littlehampton, West Sussex, BN17 7HJ.

EXTENT OF USE

Change of use of 91 Wick Farm Road from Class C3(a) to Class C3(b).

LU/281/24/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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