

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

REF NO: LU/50/26/CLP

LOCATION: 17 West Way
Littlehampton
BN17 7LY

PROPOSAL: Application for certificate of lawfulness for a proposed permanent change of use from C3 Dwellinghouse to C2 Residential institution.

DESCRIPTION OF APPLICATION

This application seeks a Lawful Development Certificate for the change of use from a dwellinghouse (Class C3) to a residential institution (C2) used as a residential care home designed for up to one child aged between 8 and 17 and supporting carers.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations Received:

Littlehampton Town Council have stated no objection.

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 residential dwellinghouse (Class C3) to a residential institution (C2). 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 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 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 dwelling houses, 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, is defined under the Use Classes Order as:

- Use as a dwellinghouse 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).

An application for a Lawful Development Certificate was submitted for the proposed change of use from dwelling (Class C3) to residential institution (Class C2). The 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 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 17 West Way, Littlehampton, which is a two-storey mid-terrace dwellinghouse. The property does not benefit from a formal off-street parking provision, however, it is noted that the front amenity area could potentially accommodate at least one vehicle. Notwithstanding this, the site is located within an area with good access to public transport links, including both bus and rail services. The existing dwelling provides three bedrooms and a bathroom at first-floor level, with a living room, kitchen and conservatory at ground-floor level. One bedroom would be used by staff and one by the child, with the remaining bedroom utilised as a staff study.

According to the submitted Planning Statement, the dwelling would accommodate one child, with up to

three carers working on a rota basis. In addition, a fourth member of staff would attend the site daily during daytime hours. It has been confirmed by the applicant's agent that no more than three full-time carers would be present at the property at any one time.

The carers would operate on 12-hour shifts, with changeovers occurring at approximately 8:00am and 8:00pm. Shift handovers would be typically lasting less than 10 minutes. It is stated that no other regular visitors are anticipated.

Carers would either arrive on foot or by public transport, and incentives would be provided to encourage staff to cycle to work. As such, vehicle movements associated with the proposed use would be limited.

Given the size of the dwelling and the proposed number of occupants, the level of occupation would be comparable to that of a typical family household. It is reasonable that a 3-bedroom dwelling would accommodate 3 adults and 1 child without resulting in undue impacts on residential amenity. Accordingly, the proposed use would not result in a material increase in daily comings and goings or give rise to levels of activity that would be likely to cause harm to the amenities of neighbouring occupiers. Furthermore, an appeal decision reference APP/F1040/X/21/3283867, accepted a similar staff to child ratio (3:1) and supports the view that such arrangements can fall within a use comparable to a single dwellinghouse.

The proposal seeks to operate the property as a 'family home', providing long-term placement and a stable, consistent home environment. The property would be a care home under class C2 but in practice would be used in a similar way to that of an ordinary household under class C3, and the submitted information indicates that the nature and intensity of occupation, including daily movements, would not be materially different from the lawful use as a dwellinghouse (Use Class C3). Therefore, there is no material change of use between the property as it is currently and a C2 care home use. The use of the property to accommodate one child with carers, as described, would not be materially different from its lawful use as a family home, especially given the long-term nature of the occupant.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 10 March 2026 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, would have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990 by reason of compliance with the relevant criteria within Schedule 1, Class C2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

FIRST SCHEDULE

The use of the dwelling as a residential institution (Class C2), as per the following plans and supporting information:

- The Location plan.
- Block plan of the site.
- Planning Statement.
- Email dated 14.04.2026 with Further Information.

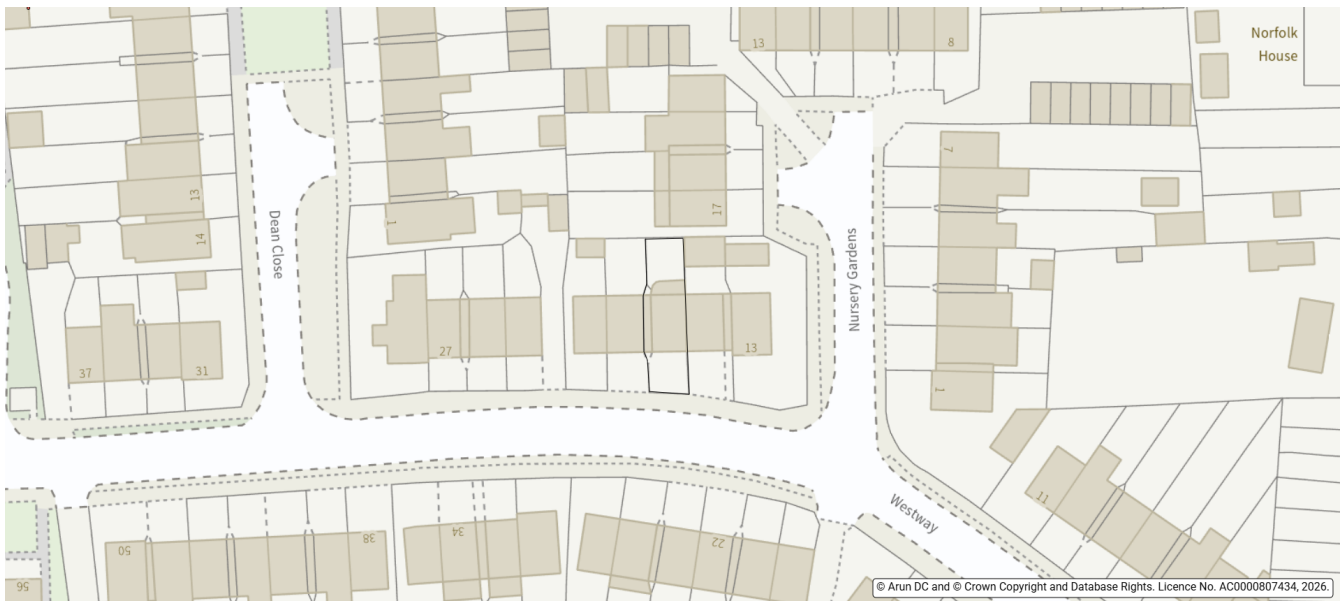
SECOND SCHEDULE

17 West Way, Littlehampton, BN17 7LY.

EXTENT OF USE

Lawful development certificate for the proposed permanent change of use from C3 Dwellinghouse to C2 Residential institution accommodating one child aged between 8 and 17 with up to three carers working on a rota basis and a fourth (a manager role) attending the site daily during daytime hours.

LU/50/26/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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