

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20260303
Location	137 London Road Northfleet Gravesend Kent
Proposal:	Application for a Proposed Lawful Development Certificate; Use of an existing residential dwelling (Use Class C3) to a small-scale home-based childcare setting operated by the resident of the property.
Applicant:	Mr Abdul Kasumu
Site Visit	N/A Desktop Assessment

Plans & Documents

Planning Application Form;
Site Location Plan;
Drawing No. Sheet No: 1 – Existing and Proposed Ground Floor;
Drawing No. Sheet No: 2 – Existing and Proposed First Floor;
Drawing No. Sheet No: 3 – Existing Second Floor;
Drawing No. Sheet No: 3 – Proposed Second Floor; all received 20.03.26; and
Supporting Statement received 30.06.26.

~~Covering Letter received 20.03.26.~~

Property Type

The property comprises of a semi-detached two storey property in use as a single residential dwelling under Use Class C3.



Material Consideration

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Relevant Planning History

Reference	Description	Decision	Decision Date
20190476	Single storey rear extension with a depth of 6 metres, maximum height of 3.8 metres and eaves height of 2.7 metres.	Prior Approval Not Required	13.06.2019
20030601	Erection of single storey rear extension to form an enlarged kitchen and shower room/w.c.	Permitted	21.08.2003

Consultation

Kent Police Designing Out Crime Officer

We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

Applicants/agents should consult us as Designing out Crime Officers (DOCO's) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.

There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.

We recommend SBD guidance is utilised to address designing out crime to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. The points below identify my recommendations for the layout and design of this scheme.

1. Due to the proposed use of the site, we would recommend the applicant review current site

security and boundary treatments. We advise boundary treatments to be a minimum of 1.8m in height with support beams facing inwards, any gates to a rear/ side access must also be securely lockable from both sides. It is essential that there is no unauthorised access to the rear of the site either via the side access route or via neighbouring premises.

2. We recommend CCTV be installed at the main entrance doors to monitor the movements of the occupiers. In some circumstances, it can be advisable for staff carry personal attack alarms and in some instances BWV cameras for safety purposes.

3. We recommend lighting to cover entrances to aid in natural surveillance.

4. If new external doors and windows are proposed, we recommend these to meet PAS 24: 2022 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Existing rear doors and windows that are not being replaced may require limiters/ restrictors to help maintain security.

To note, as Designing Out Crime Officers we use Secured By Design Guidance in our recommendations. Whilst our comments may be standardised within this letter, we encourage the applicant to contact us to discuss the plans in further detail.

If approved, site security is required for the construction phase. There is a duty for the principle contractor "to take reasonable steps to prevent access by unauthorised persons to the construction site" under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

We welcome a discussion with the applicant/agent about site specific designing out crime. If the points above are not addressed, they can affect the development and local policing.

This information is provided by Kent Police DOCO's and refers to situational crime prevention. This advice focuses on CPTED and Community Safety with regard to this specific planning application.

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	N
Article 4 Direction	N
Permitted Development Rights Removed/Restricted	N

Proposal

The proposal is for a Lawful Development Certificate for the *Use of an existing residential dwelling (Use Class C3) to a small-scale home-based childcare setting operated by the resident of the property*. The operational hours proposed are five days a week between 07:30 and 18:00 Monday to Friday with staggered drop-off.

Officer Assessment

Principle Issues

The principal issues to be considered in the determination of this application are:

- Ancillary use – whether the business is incidental to the enjoyment of the property or alters the existing character of the property
- Whether it constitutes a material change of use so that it is no longer a single dwelling house
- Traffic - whether the traffic or parking associated with the use alters the existing character of the property

Ancillary Use

The main assessment of this application is to determine whether the use of the dwelling with ancillary child-minding facilities for up to 8 children constitutes a material change of use for the application site. As part of this it is necessary to take into account whether there are any negative impacts on neighbouring amenity, or traffic and parking, in case they contribute to a material change of character.

There is no prescribed numerical threshold in planning law beyond which childminding ceases to be ancillary to a dwellinghouse. The determining issue is whether, having regard to the scale, intensity and character of the activity, there has been a material change of use as a matter of fact and degree.

Number of Children

The supporting statement in section 3 states that the childcare provision would be *"initially care for approximately 5-8 children at any one time"* which would be initially staffed by the applicant with one assistant which would increase when required in accordance with Ofsted staffing ratio. The childcare would take place within the existing rooms of the house and garden with no external alterations, extensions or signage.

It should be noted that this application is based on the currently proposed numbers, and not any increase in children or staff members, which would be subject to its own application.

Hours of Operation

In terms of operating hours, in section 4 of the statement states the hours/days would be Monday to Friday 7:30 am to 6:00 pm and that the children will attend at staggered times throughout the day and arrival and collections times will be managed.

The applicant considers the development lawful as the proposal will not alter the building, the applicant considers *"the child-minding service provided at the property to be small scale home-based childcare operation operated by the resident of the property. Childcare would be provided for a limited number of children within the existing rooms of the dwelling and garden without any external alterations, extensions, or signage"*. The age range of children would be 0-5 years with a ratio of up to 4 children 0-2 years, up to 2 children aged 2-3 years and up to 2 children aged 3-5 years.

Amenity

With regard to the effect on the character of the host property and the amenities of neighbouring occupiers, the properties most likely to be affected are No. 136 London Road and the adjoining property at No. 138 London Road.

No. 136 London Road may experience a change in the character of the use of the host property through increased levels of noise and activity associated with the childminding operation. The proposal includes the use of the rear garden for supervised outdoor learning. The supporting statement confirms that up to four children may use the garden space at any one time. Whilst no details have been provided regarding the frequency or seasonal nature of outdoor activities, the use of the garden as part of the childminding operation would introduce a level of activity beyond that typically associated with a single dwellinghouse, resulting in increased potential for noise and disturbance.

The potential impact on No. 138 London Road is of greater concern given its immediate proximity to the application property and the shared party wall. The proposal would accommodate between five and eight children, with the revised supporting information confirming the presence of one additional member of staff and indicating that staffing levels may increase in the future. Taking into account the number of children, the indoor play and learning activities, and the use of the rear garden, it is



considered likely that the proposal would generate levels of noise and activity above those ordinarily associated with a residential dwelling. Due to the shared party wall and close relationship between the properties, this noise and activity has the potential to adversely affect the living conditions of the occupants of No. 138 London Road through increased noise disturbance.

The hours of operation are also significant, from 7.30am to 06.00pm and for 5-days a week. This is considered to tip the balance into a material change of use taking place.

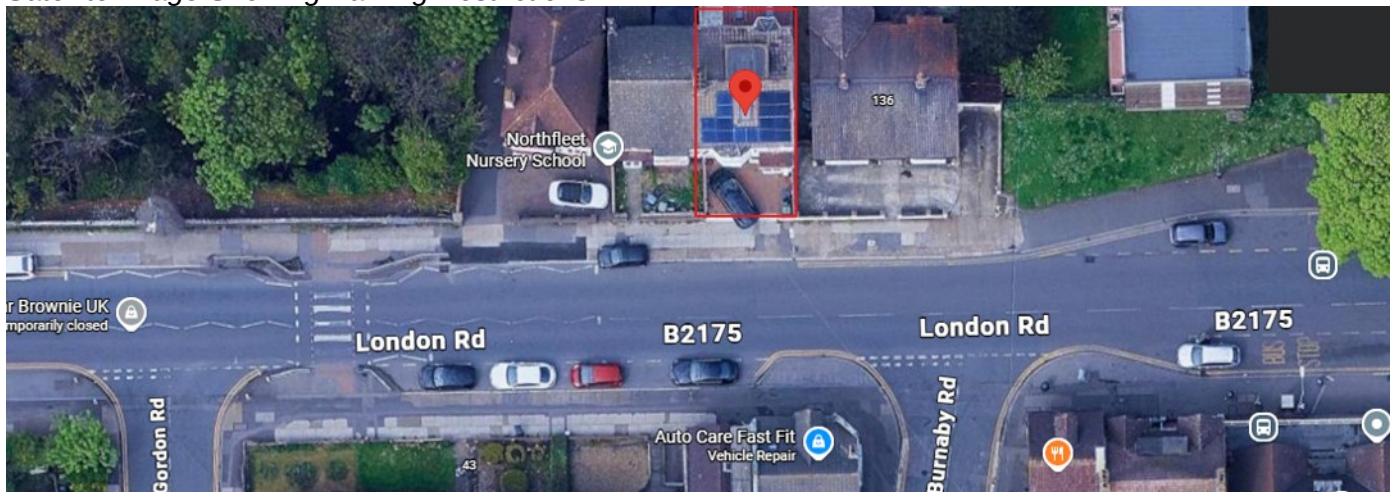
Parking

The proposed site is a semi-detached property with block paving frontage providing one private parking space. To the rear of the property is vehicular access with provision for a further two off road parking spaces. The front driveway will not be used for parent drop-off or collection. The supporting statement in section 4 states that the *“arrival and collection times will be managed carefully to avoid congestion and minimise movements.”* It is also stated that *“parents will be requested to arrive promptly for drop-off and collection and not to wait outside the property for longer than necessary.”*

Looking at the planning history, there does not appear to be permission for the front driveway and there is no formal crossover. As such, there is no parking provision as part of the proposal and parents would have to rely on stopping/parking on the road.

There are concerns about the practicality of parents dropping off children. The application site is situated on the B2175, a well-trafficked classified road, in close proximity to Northfleet Nursery School. The surrounding highway environment is subject to a number of traffic management measures, including parking restrictions, pedestrian guard railing, a zebra crossing, double yellow lines immediately adjacent to the site, and bus stops on both sides of the carriageway to the east of the property.

Satellite Image Showing Parking Restrictions



Given the site's location adjacent to an existing nursery school, there are likely to be periods of increased traffic activity and parking demand during school drop-off and pick-up times. The proposed childminding use would similarly generate vehicle movements associated with parents dropping off and collecting children, with no dedicated off-street parking available to serve the use. As a result, the proposal would be reliant upon limited on-street parking provision within an already constrained section of highway.

In these circumstances, it is considered that the proposal would exacerbate existing parking pressures and traffic congestion, increasing the likelihood of vehicles stopping or waiting in inappropriate locations. This would be detrimental to the free flow of traffic and could give rise to highway safety

concerns for pedestrians and road users, particularly in the vicinity of the zebra crossing, bus stops and nursery school entrance.

These issues would not be expected from a single family dwelling, which suggests a change of use is required.

Material Change

In general terms, home working does not necessarily require planning permission where the use of part of the dwelling for business purposes does not change the overall character of the use as a single family dwelling. This could be, for example, the use of a room in the dwelling as an office. Planning permission may however be required if a business was being operated from either a garage within the curtilage of the dwelling or from an outbuilding in the garden.

In respect of whether the use of the dwelling as a child-minding business would require planning permission it would very much be a matter of 'fact and degree' as to whether there was a material change of use and it would be inappropriate to necessarily judge whether planning permission is required for child-minding in a residential property solely on the basis of the number of children that would be minded.

If such a use involves disturbance to adjoining residents through the setting down and picking up of children and if other staff are involved in the operation of the use, then there is every possibility that planning permission could be required due to this issue.

Taking the above into consideration, the proposed use would accommodate up to eight children and one staff member. Whilst no physical alterations or extensions are proposed, the use would nevertheless result in a significant intensification of activity at the property, with up to eight children present within the dwelling and garden between 7:30am and 6:00pm, 5-days a week. Such activity would be likely to generate a level of noise and disturbance materially greater than that ordinarily associated with a single dwellinghouse. Given that the property is semi-detached, noise arising from the use could be experienced by adjoining occupiers through the shared party wall, as well as within neighbouring private garden areas.

In addition, the proposal has the potential to generate up to nine vehicular movements during the morning period, including the staff member, with a corresponding number of movements during the afternoon and evening collection period. This could result in up to 18 vehicular movements per day associated with the proposed use. Whilst it is acknowledged that the applicant has stated that drop-offs and collections would be staggered and carefully managed, with no waiting permitted, it is questionable whether such arrangements could be consistently achieved given the number of children attending and the practical constraints of parental schedules.

There is concern that this level of vehicular activity, in the absence of a dedicated driveway and when considered alongside existing parking restrictions and the presence of a nursery school in close proximity, would result in increased congestion and parking pressures within this residential road during peak periods.

It should also be noted that, as this application seeks a Lawful Development Certificate, planning conditions cannot be imposed to restrict the number of children or staff, limit operating hours, or otherwise mitigate noise, disturbance and traffic impacts arising from the use. Consequently, there would be no mechanism by which these impacts could be effectively controlled.

For these reasons, it is considered that the proposal would result in an unacceptable increase in noise, disturbance and vehicular movements beyond that normally associated with a residential dwelling. The scale and nature of the activity would constitute a material change in the character of

the use of the property and would have a detrimental impact on neighbouring residential amenity, as well as parking and highway conditions within the surrounding area.

Case Law

In a recent appeal (Appeal Reference APP/Z1585/X/24/3347499) attached as Appendix 1, the Inspector stated that *"the main consideration is whether as a matter of fact and degree the use as childminding service results in there being a material change of use from a dwellinghouse to a mixed use comprising dwellinghouse and childminding service or whether the secondary use is part and parcel of the main use of the site as a dwellinghouse."* In this instance, the proposal was up to six children (including on of the appellant's children) for three and a half days a week between 09:30 and 16:30 with one staff member.

The Inspector in paragraphs 8 to 11 found that the childminding services resulted in a material change of use of the property for the following reasons:

8. *The effects of any potential increase in traffic movements and on-street parking may be amplified in this location owing to the property's situation at the head of a relatively narrow cul de sac which may be used for turning and other vehicle manoeuvres.*
9. *In addition, the levels of noise resulting from the use of the rear covered area and garden are likely to be increased from the childminding use. I appreciate that normal residential use by a large family may also result in noise from children playing, but the nursery use is likely to extend the periods and intensity of potential noise and disturbance to the extent that it is perceivable by local residents.*
10. *The child-minding also materially alters the way in which the ground floor of the property functions, including one room being set aside for play and other nursery activities and other parts of the ground floor including the hall, WC and kitchen/morning room being used for childminding purposes in one way or another, including preparing meals, eating and access.*
11. *I do not agree that the proposed use is akin to a home office or hobby room, but instead the use has resulted in notable changes to the character of the property and therefore, although I am not aware of any complaints from the occupants of neighbouring residential properties, the use as childminding services within the existing dwelling would constitute a material change of use from residential to mixed use residential with childminding services. Such material change of use constitutes development for which planning permission is required.*

In reaching this conclusion, the Inspector attached weight to the increase in vehicle movements and associated parking activity within a narrow cul-de-sac, the increased levels and duration of noise and disturbance arising from the childminding operation, and the extent to which the ground floor of the dwelling would be used for childcare purposes. Collectively, these factors were considered to have altered the character and function of the property to such a degree that the use constituted a material change of use requiring planning permission.

It is important to note that the appeal scheme considered by the Inspector involved a childminding operation with fewer children than the current application being considered, for shorter operating hours and fewer days of operation than the proposal currently under consideration. As such, the level of activity and associated impacts in the present case would be greater, and the Inspector's findings are therefore directly relevant and carry significant weight in assessing whether a material change of use has occurred.

Conclusion

Taking all relevant factors into account, including the scale of the operation, accommodating up to eight children and one employee, it is considered that the proposal would generate a level of activity, noise, comings and goings, and vehicular movements that would exceed those ordinarily associated with the use of a dwellinghouse.

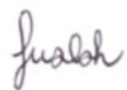
As a matter of fact and degree, and having regard to the information submitted, relevant planning case law, and the particular circumstances of the site, it is considered that the number of children attending the premises, the associated noise and disturbance, and the increase in vehicle movements related to drop-off and pick-up activities on a busy classified road with limited parking availability would result in a material change in the character of the use of the property.

Accordingly, the proposed childminding operation is considered to constitute a material change of use from a Use Class C3 dwellinghouse to a mixed use comprising residential use and childminding services. The proposal therefore amounts to development requiring planning permission.

Recommendation

The proposed childminding operation would constitute a material change of use from a Use Class C3 dwellinghouse to a mixed use comprising residential use and childminding services. As such in line with section 55(1) of the Town and Country Planning Act 1990 (as amended), planning permission would be required. The proposal would therefore not be lawful and pursuant to section 192(2) of the Town and Country Planning Act 1990 (as amended), a Certificate of Proposed Lawful Development/Use cannot be granted.

Recommendation: <u>Refuse</u> Lawful Development Certificate

Case Officer:	Ms Amanda Cue	Team Leader:	Mrs Faye Walsh
Signed:	<i>A Cue</i>	Signed:	
Dated:	4 th August 2026	Dated:	05 August 2026