

MDM

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Planning Statement



Proposal

Application for a lawful development certificate for proposed use of dwelling as a dwellinghouse providing care

Site:

12 Old Road West, Gravesend DA11 0LJ

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1 Introduction

- 1.1 This statement is to support a LDC (proposed use) application of 12 Old Road West, Gravesend DA11 0LJ, LDC to use for up to three children who are receiving care.

2 Site and context

- 2.1 The site is located on Old West Road.
- 2.2 The House is a semi-detached building.
- 2.3 The house is a single-family dwelling house that falls under C3(a) of the use class order.
- 2.4 It is not a listed building and is not in a conservation area.

3 Proposal

- 3.1 The proposals should be read as: Application for a lawful development certificate for proposed use of the dwelling as a dwellinghouse providing care.
- 3.2 A Lawful development certificate is sought for the use of the existing house for three children who are receiving care.
- 3.3 The children would be cared for by adult staff members of whom at least one will reside at the premises, and it would be their permanent house.
- 3.4 This will be for children with Emotional and Behavioural Difficulties (EBD) and or previous drug users.
- 3.5 There will be no internal or external alterations to the property.
- 3.6 There won't be more than 6 people residing at the property in accordance with the Use Class Order 1987 order as amended.
- 3.7 Although the site only benefits from street parking, in appeal reference APP/H1033/A/11/2146395 the inspector held that in the case where the proposal does not suggest that there will be an increase of traffic of its original dwellinghouse, parking element should not be taken into consideration.

4 Precedent

- 4.1 The Gravesham Borough Council has recently approved application reference 20230666 akin to this proposal.

5 Care provider

- 5.1 The home would be operated by Netpex Ltd, an experienced operator (over 25 years) and specialist in accommodating and supporting the needs of children and young people.
- 5.2 They work with several Local Authorities and successfully manage several homes within the London M25 area. The care provider is already providing care in the borough of Canterbury.
- 5.3 The focus of the facility would be to care for the children of the Epping borough.

6 Relevant legislation

- 6.1 Town and Country Planning (Use Class) order 1987 (as amended)

7 Planning assessment

- 7.1 The intention is, that the house will continue to be used as a single-family dwelling for residents who will receive care.
- 7.2 The principal issue to consider is:
 - Whether planning permission is required for the proposed use.
- 7.3 Under the use Classes Order 1987 (as amended), the wording of Class C3 covers the use of 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).*
- 7.4 It can be argued whether any change of use will occur in the house.
- 7.5 Although it can be argued that the element of care provided constitutes a change of use, the new use will be C3(b) which is within the use class C3 of the use class order, and no permission is required to change within the same use class.
- 7.6 In addition to the above. Should we still argue that the proposal does not meet the C3(b) criteria, in North Devon District Council v FSS & Southern Childcare Ltd (2003) the judge ruled that the change of use of a single-family dwelling to a care home is not considered a material change of use and no planning permission is required.

8 Conclusion

- 8.1 Based on the information submitted the proposal is not a material change of use and no planning is required.