

Planning Statement to Gravesham Planning Authority

Introduction

This statement provides detailed information regarding our proposal to set up a child residential care home at 29 Orchard Avenue, Gravesend, Kent, DA11 7NX. Our intention is to transform the property into a nurturing and supportive environment for one child, with dedicated staff members ensuring their welfare and development.

We wish to clarify at the outset that this is an application for a Certificate of Lawful Development, not a Full Planning Application. As such, the determination must be made solely on the basis of Fact and Degree and legal precedent. In accordance with the landmark judgment in *LB Lambeth v SSLUHC* [2024] EWHC 1391 (Admin), the High Court has confirmed that local planning policies do not dictate the legal test for "materiality". The Council is legally required to assess only whether a "material change of use" occurs in land-use terms. If the residential character remains, the change is not material.

Description of the Property

The property is a semi-detached residence comprising:

- Three sizable double bedrooms.
- A spacious kitchen.
- A living room.
- A living/dining room
- 3 dedicated off-street parking spaces at the front and side of the house to accommodate staff and visitors, along with on-street parking in front of the house.
- A spacious garden to the rear of the property.

Usage of the Property

- **Residential Care:** The primary aim is to house and care for one child, ensuring their physical, emotional, and psychological well-being. The three bedrooms upstairs will provide ample space, with one room for the child and two reserved for the carer/support workers on duty.
- **Administrative & Support:** The ground floor living room at the front of the house will serve as an office space for administrative tasks and can be used as a staff living room also.

Staffing & Maintenance

We intend to employ eight staff members:

- **Care Home Manager:** Responsible for overseeing the overall functioning of the home, ensuring compliance with care standards, liaising with local authorities, and overseeing maintenance and cleanliness.
- **Senior Support Worker:** Assists the manager in supporting the care team.
- **Carer/Support Workers (six total):** Responsible for day-to-day care, emotional support, educational assistance, and recreational activities.

The Care Home Manager will be responsible for the overall upkeep and maintenance of the property, with daily cleaning handled by support staff on a structured rota. Professional services (e.g., cleaning, plumbing, electrical, gardening) will be contracted for routine and specialist maintenance, ensuring a consistently high standard of care and safety.

Purpose & Vision

Our residential care home aims to provide a sanctuary for children aged **5 to 18 years**, offering a safe, loving, and supportive environment where they can thrive. We believe every child deserves a place where their unique needs are understood and catered to, and our dedicated team will work tirelessly to nurture their holistic development.

Quiet Hours

We propose quiet hours from **10:00 pm to 7:00 am** to reflect the routine needs of children and young people. This schedule ensures a calm atmosphere, supports neighbours' peace, and creates a nurturing bedtime environment. For special occasions like birthdays, staff will provide advance notice to immediate neighbours if extended activities are planned.

Parking & Travel Arrangements

- **Staff & Visitors:** Three off-street parking spaces are available at the front and side of the property, primarily for the Care Home Manager and the Senior Support Workers on shift. Additional staff members working shift patterns and visitors will use nearby on-street parking, which is non-restricted and readily available.
- **Children's Needs:** We will provide **secure bicycle storage** at the rear of the property or in the outbuilding, ensuring children have the option for safe, active travel. Additionally, transport for appointments or activities will be provided by staff using a dedicated vehicle, parked on-site or in nearby on-street spaces.

Comparable Planning Applications and Case Law

The recently approved application reference 20251296 (67 Painters Ash Lane, Northfleet, DA11 8EG) demonstrates that Gravesham Borough Council has already accepted, in principle, that a small-scale children's residential care home can operate within a residential dwelling without resulting in an unacceptable impact on the surrounding area or fundamentally altering the residential character of the locality. The approved scheme shows that the Council recognises that such uses must be assessed on their individual operational characteristics and on a "fact and degree" basis, rather than automatically being treated as materially different from a standard residential use. Our proposal is comparable in nature, scale, staffing profile, and residential operation, and therefore consistency in decision-making supports a similar conclusion being reached in this case.

Application reference 20240195 at 219 Wrotham Road, Gravesend, DA11 7LL was also approved by Gravesham Borough Council for a children's residential care home within a residential setting. This demonstrates the Council has previously accepted that small-scale children's homes can operate without materially harming the character of the area, neighbouring amenity, or highway conditions. Our proposal is comparable in nature and therefore supports a consistent approach in this case.

Application reference 20250529 at 3 Struttons Avenue, Northfleet, Gravesend, DA11 7EJ was also approved by Gravesham Borough Council for a children's residential care home use, further demonstrating the Council's acceptance of small-scale care provision operating within a residential environment.

Application reference 20251307 at 12 Old Road West, Gravesend, Kent, DA11 0LJ was likewise approved by Gravesham Borough Council, reinforcing that similar children's residential care home proposals have been considered acceptable within the borough.

Under the principle established in *Hossack v Kettering Borough Council* [2002], the key test for materiality is whether the level of activity is significantly different from the previous lawful use.

- **Occupancy:** The proposed C2 use involves only 1 child and 2 staff (Total 3), which is identical to the occupancy of the already-lawful C3(b) baseline.
- **Household Character:** Per *North Devon DC v FSS* [2003], the children will live as a single household.
- **Activity Levels:** As confirmed by Gravesham Borough Council's own precedents at 3 Struttons Avenue (Ref: 20250529), a small-scale C2 use does not generate movements beyond what is expected of a domestic dwelling.

Conclusion

Our proposal seeks to provide not just a residence, but a genuine home for children, where they feel valued, supported, and safe. We humbly request the support of Gravesham Planning Authority in this endeavour, as we strive to ensure a brighter, more secure future for the children in our care.

Additional Note

Please note that there will be no significant work carried out to the internal or external areas of the property; this application is solely for a change of use.