

PLANNING STATEMENT

Application for a Certificate of Lawfulness of Proposed Use

**Use of the dwellinghouse as a small children's home for a
maximum of two children within Use Class C3(b)**

**65 Edwin Street,
Gravesend,
Kent,
DA12 1EL
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1. Introduction

This Planning Statement has been prepared in support of an application for a **Certificate of Lawfulness of Proposed Use** at **65 Edwin Street, Gravesend, Kent, DA12 1EL**.

The application seeks confirmation that the proposed use of the existing dwellinghouse as a small children's home for a maximum of **two children** falls within **Use Class C3(b)** of the Town and Country Planning (Use Classes) Order 1987, as amended, and would not constitute a material change of use requiring planning permission.

Use Class C3(b) provides for the use of a dwellinghouse by **not more than six residents living together as a single household where care is provided for residents**.

The proposed use would be operated by **Independence Development** and would provide care within a small-scale, family-style residential environment. The home would be registered and regulated by **Ofsted** and operated in accordance with the relevant statutory care framework.

The key issue for consideration is whether the proposed use would remain residential in character and within the scope of Class C3(b). For the reasons set out below, it is submitted that the proposed use would remain wholly consistent with the lawful use of the property as a dwellinghouse within Use Class C3(b).

2. Site and Surrounding Area

65 Edwin Street is an existing residential dwelling located within an established residential area of Gravesend.

The surrounding area is predominantly residential in character, comprising traditional dwellinghouses within a settled urban street scene. The application property forms part of this residential context and presents as a conventional domestic dwelling.

No external alterations, extensions, structural works or changes to the external appearance of the property are proposed as part of this application. The building would therefore remain visually indistinguishable from neighbouring residential properties.

The property would continue to be arranged as a domestic dwellinghouse and would include the following accommodation:

- Lounge;
- Dining room;
- Kitchen;
- Utility area;
- Bathroom facilities;
- Two children's bedrooms;
- Two adult sleep-in rooms associated with care and safeguarding; and
- Ancillary office space.

The internal layout would remain domestic in nature. The rooms would continue to function as ordinary residential accommodation, with shared living, dining, kitchen and bathroom facilities typical of a dwellinghouse.

3. Description of the Proposed Use

The proposed use is for a small children's home accommodating a maximum of **two children**.

The children would occupy the property as their main residence. They would live together as a single household and would be provided with care, support and supervision within a domestic residential environment.

The purpose of the home would be to provide a safe, stable and supportive setting for children who require residential care. The operation of the home would be intended to replicate ordinary family life as closely as possible.

The proposed use would support:

- Safe and secure residential accommodation;
- Stability and consistency;
- Positive daily routines;
- Educational attendance and support;
- Emotional wellbeing;
- Life skills and independence;
- Community participation; and
- Appropriate safeguarding.

The children would undertake day-to-day activities ordinarily associated with residential occupation, including attending school or educational provision, accessing healthcare, using shared living spaces, eating meals at the property, participating in local activities and maintaining family contact where appropriate.

The property would therefore function first and foremost as a home. The provision of care would be directly related to, and ancillary to, the residential occupation of the dwelling by the children.

4. Planning Context

The application is made on the basis that the proposed use falls within Use Class C3(b) and does not require express planning permission.

The Town and Country Planning (Use Classes) Order 1987, as amended, identifies Class C3 as use as a dwellinghouse. Class C3 includes:

- **C3(a):** use by a single person or by people living together as a family;
- **C3(b):** use by not more than six residents living together as a single household where care is provided for residents;
- **C3(c):** use by not more than six residents living together as a single household who do not fall within C3(a) or C3(b).

The proposed use is specifically advanced as falling within **Use Class C3(b)**.

The determining issue is not simply whether care is provided, but whether the overall planning character of the occupation remains that of a dwellinghouse occupied by residents living together as a single household.

In this case, the proposed use would remain small-scale, domestic and residential in character. The property would accommodate only two children as residents, care would be provided to those residents, and staff attendance would be ancillary to the residential occupation of the dwelling.

5. Use Class C3(b) Assessment

The proposed use satisfies the key components of Use Class C3(b).

Class C3(b) applies where a dwellinghouse is occupied by **not more than six residents living together as a single household where care is provided for residents**.

In this case:

- The property would remain a dwellinghouse;
- The number of residents would be limited to a maximum of two children;
- The children would live together as a single household;
- Care would be provided to the children as residents;
- The total number of residents would remain significantly below the six-person threshold;
- Staff presence would be ancillary to the residential use;
- No separate staff household would be created;
- No separate residential unit would be formed;
- No institutional, hostel, HMO or commercial character would arise.

The two children would be the only residents for the purposes of the proposed C3(b) use.

Staff would attend the property only to provide care, supervision, safeguarding and operational support. Staff would not occupy the property as residents, would not form a separate household and would not occupy any part of the property independently of the children.

The adult sleep-in rooms would not be used as independent residential accommodation. Their use would be ancillary to the care and safeguarding arrangements associated with the children's residential occupation.

On this basis, the proposal falls within the remit of Use Class C3(b) and would not amount to a material change of use requiring planning permission.

6. Staffing and Ancillary Sleep-In Arrangements

The home would be staffed by appropriately trained residential childcare professionals.

Staffing levels would be determined by the assessed needs, care requirements and safeguarding arrangements of the children residing at the property. Given that the home would accommodate a

maximum of two children, the staffing arrangements would remain proportionate to the small-scale residential nature of the use.

Staff may be present during the day and overnight where required. Where overnight staff presence is necessary, staff may use the adult sleep-in rooms for sleep-in duties, supervision, emergency support and safeguarding.

For the avoidance of doubt, the adult sleep-in rooms would not be used as independent accommodation. They would not create:

- A separate staff household;
- A staff flat;
- A separate planning unit;
- A house in multiple occupation;
- A hostel-type arrangement; or
- Any independent residential use.

Staff would not live at the property as residents. Their presence would be directly linked to the care of the children and would remain ancillary to the primary residential occupation of the dwelling.

The staffing and sleep-in arrangements would therefore be compatible with the proposed C3(b) use and would not alter the fundamental planning character of the property as a dwellinghouse.

7. Management and Governance

The proposed children's home would be managed by a suitably qualified **Registered Manager**, registered with **Ofsted**.

The operation of the home would be subject to a robust management and governance framework to ensure that the children residing at the property are appropriately supported, safeguarded and cared for within a regulated residential environment.

This framework would include:

- Ofsted registration and inspection;
- Independent Regulation 44 visits;
- Regulation 45 Quality of Care Reviews;
- Internal auditing processes;
- Safeguarding oversight; and
- Senior management monitoring.

These arrangements would ensure that the home is properly managed, regulated and accountable. They would also support the safe and effective operation of the property as a small domestic children's home.

For planning purposes, these governance arrangements do not alter the character of the use. They are regulatory and operational safeguards associated with the provision of care to the children as residents of the dwelling. The property would therefore remain residential in character and within the remit of **Use Class C3(b)**.

8. Domestic Character of the Use

The property would retain the physical and functional characteristics of a dwellinghouse.

The accommodation would comprise ordinary domestic rooms, including bedrooms, living areas, dining space, kitchen facilities and bathroom facilities. The layout would not include features typically associated with institutional, commercial or public-facing premises.

The ancillary office space would be used solely in connection with the proper management of the home, including administrative tasks, care records, staff supervision, safeguarding documentation and regulatory compliance. It would not operate as a separate business office and would not be accessed by members of the public.

The proposed use would not involve any external signage, advertising, commercial branding, reception area, waiting area, treatment room, commercial kitchen or public access.

The day-to-day use of the property would remain comparable to ordinary residential occupation. The children would live at the property as their home and would use the shared living areas, bedrooms, kitchen and bathroom facilities in the manner expected of a domestic household.

The provision of care would not, in itself, change the character of the use. It would support the children's residential occupation and enable the dwelling to function as a safe and stable home.

9. Amenity, Parking and Highway Considerations

The proposed use would not give rise to any material harm to neighbouring residential amenity.

The property would continue to be occupied as a home. The scale of occupation would be modest, with a maximum of two children residing at the property. The level of activity associated with the use would be comparable to that of an ordinary residential dwelling.

There would be no public-facing element, no customer visits, no commercial deliveries, no external plant and no physical alterations affecting the relationship with neighbouring properties.

The proposed use would not result in unacceptable impacts in respect of:

- Noise and disturbance;
- Overlooking;
- Loss of privacy;
- General residential amenity;
- Street scene character;
- Parking demand; or
- Highway safety.

Vehicle movements would generally be associated with ordinary domestic and care-related activities, such as school attendance, healthcare appointments, family contact, shopping, recreational activities and staff handovers.

Given the limited number of residents and the small-scale nature of the proposed use, any traffic or parking demand would not be materially different from that which could reasonably arise from a typical family dwelling.

The proposal would therefore remain compatible with the surrounding residential area.

10. Absence of Institutional or Commercial Characteristics

The proposed use would not operate as an institution or commercial premises.

The property would not be used as:

- A hostel;
- A boarding house;
- A house in multiple occupation;
- A secure facility;
- A residential institution;
- A treatment centre;
- A hospital;
- A training venue;
- A public-facing office; or
- A commercial enterprise.

The property would not contain:

- Reception facilities;
- Public waiting areas;
- Clinical treatment rooms;
- Commercial kitchens;
- Separate staff accommodation;
- Customer-facing offices;
- Signage;
- Advertising; or
- Commercial branding.

The presence of staff, including overnight sleep-in staff where required, would not alter the planning character of the property. Staff would be present only to provide care, supervision and safeguarding to the children residing at the property.

The proposal would therefore retain the domestic and residential character required to fall within Use Class C3(b).

11. Conclusion

The proposed use of 65 Edwin Street as a small children's home for a maximum of two children would fall within **Use Class C3(b)** of the Town and Country Planning (Use Classes) Order 1987, as amended.

The residents would be limited to two children living together as a single household where care is provided. This is significantly below the maximum of six residents permitted within Use Class C3(b).

Staff presence, including any overnight sleep-in arrangements, would be ancillary to the children's residential occupation. Staff would not occupy the property as residents, would not form a separate household and would not create a separate planning unit, HMO, hostel, institution or commercial use.

The property would remain physically unchanged, domestic in layout and residential in character. The proposed use would not give rise to any material impact on neighbouring amenity, parking provision, highway safety or the character of the surrounding residential area.

Accordingly, it is respectfully submitted that the proposed use remains wholly within the remit of **Use Class C3(b)** and would not constitute a material change of use requiring planning permission.

A **Certificate of Lawfulness of Proposed Use** should therefore be granted.