

Planning Department
Gravesham Borough Council

Our ref:9000490

4th September 2026

Certificate of Lawfulness for Proposed Use of a dwelling house by not more than six residents living together as a single household (including a household where care is provided for residents) at 25 The Avenue, Gravesend, Kent, DA11 0NA

Dear Sir or Madam,

Legislative and Procedural Context

Section 192 of the Town and Country Planning Act 1990 provides for the grant of a Certificate of Lawfulness for a proposed use or development where, on the date of the application, the proposed use or development would be lawful if instituted or begun.

The determination of an application under Section 192 is concerned with the lawfulness of the proposed use or development, rather than its planning merits. The relevant question is whether the proposal:

- constitutes development requiring planning permission;
- benefits from an existing planning permission; and/or
- would result in a breach of planning control, including any condition or limitation attached to an existing permission.

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The burden of proof rests with the applicant, and the application should be determined on the basis of the relevant facts and evidence. Matters which would ordinarily be material planning considerations in the determination of a planning application, such as the effect on the character and appearance of the area, residential amenity, highway safety or flood risk, are not relevant to the determination of a Certificate of Lawfulness unless they bear directly upon the question of lawfulness, including whether the proposal would constitute a material change of use or breach of planning control.

Accordingly, the relevant considerations in determining this application are principally:

- whether the proposed occupation constitutes development within the meaning of Section 55 of the Town and Country Planning Act 1990;
- whether the proposal would result in a material change of use of the property; and
- whether the proposed use would conflict with any condition or other limitation affecting the existing lawful use of the property.

Proposed Use

The property is currently occupied as a dwellinghouse within Use Class C4 (houses in multiple occupation) of the Town and Country Planning (Use Classes) Order 1987 (as amended) following planning permission reference 20211529 granted in March 2022. The proposed use of the property is Use Class C3(b) (use as a dwellinghouse by a single household of not more than 6 residents where care is provided).

Schedule 2, Part 3, Class L of the (General Permitted Development) (England) Order 2015 (as amended) permits the change of use of a building falling in Class C4 use to Class C3 use without the need for planning permission provided it would not result in the creation of two or more separate dwellinghouses.

The property will be operated by Bright Futures Homes, a provider of residential children's homes offering full-time care, support and accommodation for children and young people with a range of emotional and behavioural support needs. Bright Futures Homes operates a number of similar residential homes throughout the United Kingdom, providing a family-based environment for looked-after children and young people, including those with mild to moderate learning disabilities and those who are neurodivergent.

The proposed home will accommodate up to three children and young people, comprising boys and/or girls aged between 8 and 18 years with learning disabilities. The living areas are to the ground floor, four-bedrooms on the first floor and a further three rooms on the second floor. The property will function as a single dwellinghouse occupied as a single household.

The children and resident care staff will live together within the property and share all communal facilities, including the kitchen, living areas, dining areas and outdoor space, in the same manner as a family household. Care and support will be provided within the normal domestic environment and will include assistance with daily routines, emotional support, meal preparation, medication prompts and other day-to-day activities associated with family life and residential care.

The proposed occupation will therefore comprise residents living together as a single household, with care being provided to those residents within the household. The use is accordingly considered to fall within Use Class C3(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended), which includes use of a dwellinghouse by not more than six people living together as a single household where care is provided for residents living together as a single household.

Nature of the Proposed Use

No operational development or physical alterations to the property are proposed. There will be no extensions, external alterations, signage, separate office accommodation, staff facilities independent of the household, or other physical features that would alter the appearance or established residential character of the property.

The property will not be used for commercial, industrial, educational or medical activities. No specialist equipment or machinery will be installed, and the fixtures and fittings within the property will remain of a standard domestic nature.

The property will be occupied on a 24-hour residential basis, reflecting the nature of the care provided. The presence of resident care staff is integral to the residential occupation of the property and is solely for the purpose of supporting the children and young people living there. The care staff will reside within the property and participate in the day-to-day running of the household.

The proposed use will therefore retain the character and function of a dwellinghouse. The residents will live together, share domestic facilities and occupy the property as their home, within a family-based residential environment. The scale of occupation, comprising no more than three children and young people together with resident care staff, is also consistent with the use of the property as a single household.

Conclusion

Having regard to Section 55 of the Town and Country Planning Act 1990 and the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended), it is considered that the proposed occupation of the property by up to three children and young people living together with resident care staff as a single household falls within Use Class C3(b).

While the existing lawful use of the property falls within Use Class C4, the proposed use would retain the established residential character and function of the dwellinghouse. The residents would live together, share domestic facilities and occupy the property as their home, with care and support provided within that household.

No operational development or physical alterations are proposed, and there would be no change to the physical appearance or established residential nature of the property. The proposed use would not introduce any commercial, industrial, educational or other non-residential activity.

On the particular facts of this case, the change from the existing C4 use to the proposed C3(b) use would not amount to a material change of use for the purposes of Section 55 of the Town and Country Planning Act

1990. Accordingly, the proposed use would not constitute development requiring planning permission and would not amount to a breach of planning control.

It is therefore respectfully requested that the Council grant a Certificate of Lawfulness for the Proposed Use or Development confirming that the proposed use of the property as a single household accommodating up to three children and young people, together with resident care staff providing care and support, is lawful.

Yours faithfully



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