

PLANNING STATEMENT

Application for a Certificate of Lawfulness of Proposed Use

Use of the property as a small children's home for a maximum of two children - Use Class C3(b) case and materiality assessment

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

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Dream Design Develop Ltd

01474 648009

info@dreamdesigndevelop.co.uk

www.dreamdesigndevelop.co.uk

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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 relates to the proposed use of the property as a small children's home accommodating a **maximum of two children aged between 7 and 17 years**. The applicant's primary position remains that the proposed use falls within **Use Class C3(b)** of the Town and Country Planning (Use Classes) Order 1987, as amended.

The proposed home would be operated by Independence Development and would provide trauma-informed and attachment-focused residential care within a small-scale, family-style environment. The children would occupy the property as their home and would be supported through ordinary day-to-day household routines rather than through an institutional or clinical model of accommodation.

This revised statement also responds to the Council's request for clarification concerning the existing licensed HMO use, the detailed resident-carer arrangements, and the relevance of North Devon District Council v FSS & Southern Childcare Ltd [2003] EWHC 157 (Admin); [2003] JPL 1191. It should be read alongside the revised Existing Floor Plan, Drawing 001 Revision C, and Proposed Floor Plan, Drawing 003 Revision C, both dated 13 September 2026. It addresses the applicant's C3(b) case and, in the alternative, whether the proposed operation would amount to a material change of use when compared with the existing lawful HMO use of the property.

2. Site, Existing Use and Surrounding Area

65 Edwin Street is a residential property 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.

Following the Council's enquiries and information provided by Gravesend Borough Council Private Housing, the applicant acknowledges that the property is currently operated as a licensed house in multiple occupation (HMO). The revised application documents therefore take the existing HMO use as the correct baseline for the assessment of the proposed use.

The revised Existing Floor Plan (Drawing 001 Revision C, dated 13 September 2026) records the existing HMO arrangement as five bedrooms together with shared residential facilities. In particular, the room previously shown as a dining room is now correctly identified as Bedroom 5 (10.2 sqm), while the front room is shown as a shared Lounge/Dining Room (14.7 sqm). The revised plan supersedes the earlier existing floor plan and reflects the HMO layout identified during the Council's site visit and subsequent enquiries.

No external alterations, extensions or material changes to the external appearance of the property are proposed as part of the children's home use. The building would remain visually consistent with the surrounding residential street scene.

The proposed internal accommodation, as shown on Drawing 003 Revision C dated 13 September 2026, would comprise:

- Lounge/Dining Room - 14.7 sqm;
- Home Office - 10.2 sqm;
- Kitchen - 8.5 sqm;
- Utility area - 1.3 sqm;
- Bathroom facilities;
- Child Room 1 - 11.5 sqm;

- Child Room 2 - 10.3 sqm;
- Adult Room 2 - 9 sqm; and
- Adult Room 1 - 7.5 sqm.

The internal arrangement would remain domestic in form, with shared living, dining, kitchen and bathroom facilities. Adult Rooms 1 and 2 would be occupied by the resident carers who would live at the property with the children as part of the same household. The Home Office would remain ancillary to the residential care function. Neither adult room would comprise a self-contained or independent unit of accommodation, and neither would be separately let or occupied as a separate household.

3. Description of the Proposed Use

The proposed use is for a small children's home accommodating a **maximum of two children aged between 7 and 17 years**.

The children would occupy the property as their home and would live together within a shared domestic environment. The purpose of the home is to provide a safe, stable and consistent residential setting in which appropriate care, supervision and safeguarding can be provided.

The care model would be trauma-informed and attachment-focused. It would be delivered through ordinary household routines, including:

- support before and after school;
- preparation and sharing of meals;
- homework and educational support;
- leisure and recreational activities;
- emotional support;
- age-appropriate household activities; and
- evening and bedtime routines.

The children would undertake the ordinary activities associated with residential life, including attending school or other educational provision, accessing healthcare, using shared living spaces, eating meals within the home, participating in local activities and maintaining family contact where appropriate.

The property would therefore function first and foremost as the children's home. The care arrangements are intended to enable the children to live safely and consistently within a domestic residential environment rather than to create a clinical, institutional or public-facing use.

4. Operational and Care Arrangements

The care model would be based on resident carers living permanently at the property with the two children. The carers would form part of the household and would provide day-to-day care, supervision and safeguarding within the home. The carers would not operate on a rotating rota or shift basis.

4.1 Daytime care

The resident carers would be present as part of the ordinary household arrangement rather than attending for defined daytime shifts. Their role would include supporting the children with school routines, meals, homework, leisure activities, appointments, emotional support and general household life.

4.2 Resident carers and overnight care

Two resident carers would live at the property with the children on a permanent basis. Adult Room 1 and Adult Room 2 would provide bedrooms for those resident carers. The carers would remain available

within the home overnight as part of the ordinary residential household and safeguarding arrangements. The rooms would not constitute separate staff accommodation, flats or independent residential units.

The resident carers would share the household facilities and daily routines with the children. Any occasional attendance by the Registered Manager or other relevant professionals would be ancillary to the care of the children and would not alter the permanent resident-carer household arrangement.

5. Resident Carer Arrangements

The proposed care arrangement would not operate through daytime and overnight shifts. The carers would live permanently at the property with the children and would provide continuity of care as members of the household.

There would be no routine changeover or handover between outgoing and incoming carers because the carers would not operate on a rota. The resident carers would provide continuity and consistency within the home, with care information managed as part of their ongoing household responsibilities and the regulated management of the children's home.

Adult Room 1 and Adult Room 2 would be occupied by the two resident carers as bedrooms within the dwelling. Neither room would comprise a separate flat or independent unit of accommodation, and neither has separate kitchen, living or other facilities capable of supporting an independent residential use. The carers would share the kitchen, lounge/dining room, bathrooms and other household facilities with the children.

The resident-carer arrangement would exist solely to provide the continuity, supervision, safeguarding and care required by the two resident children. No part of the property would be independently occupied or separately let, and the carers would not form a separate household from the children.

6. Internal Accommodation and Ancillary Home Office

The proposed floor plan identifies the following principal rooms relevant to the operation of the home:

- Child Room 1 - 11.5 sqm;
- Child Room 2 - 10.3 sqm;
- Adult Room 1 - 7.5 sqm;
- Adult Room 2 - 9 sqm;
- Home Office - 10.2 sqm.

The two Child Rooms would be occupied by the two resident children. Adult Room 1 and Adult Room 2 would be occupied by the two resident carers who would live permanently at the property with the children as part of the household. The Home Office would remain ancillary to the residential operation and would be used only for care records, safeguarding documentation, care planning and other matters directly associated with the children's care.

The Home Office, shown at lower-ground-floor level and measuring 10.2 sqm, would remain ancillary to the residential operation of the home. It would be used for matters directly associated with the care of the children, including care records, safeguarding documentation, care planning and occasional telephone calls.

There would be no separate administrative workforce based at the property, no reception area and no independent office or commercial operation. The existence of an ancillary room for record keeping and care administration would not alter the predominant residential character of the property.

7. Planning Context and Use Class C3(b)

The applicant's primary position is that the proposed use falls within Use Class C3(b) of the Town and Country Planning (Use Classes) Order 1987, as amended. Class C3(b) relates to use as a dwellinghouse by not more than six residents living together as a single household where care is provided for residents.

The proposed use would accommodate only two children, significantly below the numerical threshold of six residents. The children would live at the property as their home and would share the kitchen, Lounge/Dining Room and bathroom facilities. Meals, homework, leisure activities and ordinary daily routines would take place within the home in the same spaces used for normal residential occupation.

The applicant considers that the operation should be assessed as a whole and as a matter of fact and degree. The following characteristics support the applicant's C3(b) position:

- a maximum of only two resident children;
- a conventional domestic layout with shared household facilities;
- care delivered through day-to-day household routines;
- no subdivision into separate residential units;
- no separate carer kitchen, lounge or dining facilities;
- no reception, treatment or consulting rooms;
- no commercial kitchen or public-facing element;
- resident carer occupation solely in connection with the care and safeguarding of the children; and
- no external physical manifestation of an institutional or commercial use.

On that basis, the applicant maintains that the physical and functional characteristics of the use would remain those of a dwellinghouse in which the children and their resident carers live together as a single household and care is provided to the children. The two adult bedrooms would form part of that household accommodation and would not create separate residences, independent households or additional planning units.

8. Material Change of Use Assessment

The existing-use baseline is the property's current licensed HMO operation, shown on Drawing 001 Revision C as a five-bedroom HMO with shared Lounge/Dining Room, kitchen and bathroom facilities. The relevant comparison is therefore between the planning character and impacts of that existing five-bedroom shared residential use and those of the proposed two-child residential care home.

When the proposed operation is compared with the existing HMO use, the following factors are material:

- the proposal would accommodate a maximum of two resident children;
- the property would continue to be used principally for residential occupation and sleeping accommodation;
- the principal Lounge/Dining Room, kitchen and bathroom facilities would continue to operate as shared domestic facilities;
- there would be no extension, external alteration or separate planning unit;
- there would be no public-facing use, reception, treatment facility or commercial customer activity;
- the two resident carers would live at the property with the children solely in connection with their welfare, care and safeguarding;
- the proposed layout would replace the existing five HMO bedrooms with two child bedrooms, two bedrooms for the resident carers and a Home Office, without creating any self-contained accommodation;

- the two Adult Rooms would form part of the shared household accommodation for the resident carers, while the Home Office would remain ancillary to the residential care function; none would operate as an independent planning unit; and
- the external appearance and relationship of the property to the surrounding residential area would remain unchanged.

The proposed use would therefore retain a strongly residential character. The existing layout provides five HMO bedrooms, whereas the proposed arrangement would provide two bedrooms for the resident children, two bedrooms for their resident carers and one ancillary Home Office. The proposed household would therefore comprise the children and carers living together within one domestic property. The applicant considers that the overall character of the use of the land and building, including its residential function and its effects on the surrounding area, would not change to such a degree as to amount to a material change of use.

Accordingly, if the Council does not accept that the proposed operation falls within Class C3(b), the applicant requests that the Council determine separately whether, on the particular facts of this property and its existing HMO use, the proposed operation would nevertheless be lawful because no material change of use would occur.

9. Management, Visitors and Domestic Character

The home would be overseen by a suitably qualified Registered Manager in accordance with the regulatory requirements applicable to children's homes. The manager would attend the property as required for supervision, quality monitoring and direct contact with the children and resident carers.

Any such management attendance would remain ancillary to the children's residential care and would not constitute a separate office or administrative use of the premises.

Visitors would be occasional and directly connected with the welfare of the two resident children. These may include social workers, education or healthcare professionals and family members where appropriate. Given the maximum of two children, the anticipated level of visiting activity would remain limited.

The children and resident carers would share the kitchen and Lounge/Dining Room as part of the ordinary functioning of the household. Meals would ordinarily be prepared and eaten together within the property, and the children would follow normal household routines involving school, homework, meals, leisure activities and bedtime with the support of the resident carers.

There would be:

- no separate carer kitchen;
- no separate carer lounge or dining facilities;
- no reception area;
- no treatment or consulting rooms;
- no commercial kitchen;
- no subdivision into separate residential units; and
- no public-facing element.

The resident-carer arrangement exists solely to provide the care, continuity, supervision and safeguarding required by the two resident children. The carers and children would live together within the same dwelling and share the ordinary facilities of the home. The proposed use would therefore retain the physical and functional characteristics of a small domestic household.

10. Amenity, Parking and Highway Considerations

The proposed use is not expected to give rise to any material harm to neighbouring residential amenity. The scale of the home would be modest, with a maximum of two children residing at the property.

Activity at the property would principally comprise ordinary residential and care-related activities, including school journeys, healthcare appointments, family contact, shopping and recreational activities. As the carers would live at the property and would not operate on a rota, there would be no routine pattern of staff arrivals and departures associated with shift changes or handovers.

There would be no routine staff handover period because the carers would reside at the property rather than changing over between shifts. This would further limit staff-related vehicle movements and activity compared with a rota-based care model.

There would be no public customer traffic, commercial deliveries, external plant, signage or physical works altering the relationship between the property and its neighbours.

Having regard to the small number of resident children, the domestic nature of the property and the existing HMO baseline, the applicant considers that the proposed operation would not give rise to a materially different effect in terms of noise and disturbance, residential amenity, parking demand, traffic generation or highway safety.

11. Absence of Institutional or Commercial Characteristics

The proposed home would not be arranged or operated as an institution or public-facing commercial premises. In particular, the property would not contain or provide:

- reception facilities or public waiting areas;
- clinical treatment or consulting rooms;
- commercial kitchen facilities;
- self-contained or independent carer accommodation;
- customer-facing offices;
- training or conference facilities;
- signage, advertising or commercial branding; or
- separate residential units.

The Home Office, the two resident-carer bedrooms and Registered Manager attendance would all be directly linked to the provision of care to the two resident children. Adult Rooms 1 and 2 would form part of the same household accommodation as the children and would not create an independent residential, commercial or administrative planning use.

The external appearance of the property would remain residential and the building would continue to read as a conventional home within the street scene.

12. Conclusion

The proposal is for the use of 65 Edwin Street as a small children's home accommodating a maximum of two children aged 7 to 17 years. The children would live at the property as their home and would receive trauma-informed and attachment-focused care within a shared domestic environment.

The care arrangement would comprise two carers living permanently at the property with the children as part of the same household. The carers would not operate on a rota or shift basis and there would be no routine changeover or handover between carers. Drawing 003 Revision C identifies Adult Room 1 (7.5 sqm), Adult Room 2 (9 sqm) and a Home Office (10.2 sqm). Adult Rooms 1 and 2 would be the resident

carers' bedrooms within the shared dwelling, while the Home Office would remain ancillary to the care and safeguarding operation.

The applicant maintains that, considered as a whole and as a matter of fact and degree, the proposed use retains the physical and functional characteristics of a dwellinghouse where care is provided to residents and therefore falls within Use Class C3(b).

The applicant has also addressed the relevance of *North Devon District Council v FSS & Southern Childcare Ltd*. The applicant's primary position is that the case is distinguishable because the carers in the present proposal would live permanently at the property with the children and would not attend on a rotating shift basis. If the Council nevertheless concludes that the operation falls within Class C2 rather than C3(b), the applicant requests that the Council proceed to the separate materiality question and assess the proposed operation against the property's existing licensed HMO use.

For the reasons set out in this statement, and having regard to the revised existing and proposed floor plans dated 13 September 2026, the proposed use would remain small-scale, domestic and residential in character. The two children and two resident carers would live together within one household, with no rota-based staffing arrangement, no external alterations, no self-contained carer or commercial accommodation and no material change in the planning effects of the property. It is therefore respectfully submitted that the proposed use falls within Class C3(b), is lawful, and that a Certificate of Lawfulness of Proposed Use should be granted.