



Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20220653
Location	10 Albion Road Gravesend Kent DA12 2SR
Proposal:	Application for a Lawful Development Certificate in respect of the proposed change of use of the building to house young people.
Applicant:	Gemm Care Ltd
Site Visit	N/A Desktop Assessment

Plans & Documents

Application form
Site Location Plan
Floor Plans
Email confirming use as C3

Property Type

The property comprises a three storey semi-detached dwelling.

Material Consideration

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Relevant Planning History

None

Officer Assessment

The application site is a three storey semi-detached dwelling that appears to have most recently been in residential use.

In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

In this case, the Council has no reason to dispute the application site is not in residential use. Council tax records shows the property as residential up until 29 July 2022 when the property qualified for an exemption due to being a home for under 18 year olds.

The Use Classes Order 1987 (as amended) defines dwellinghouses as Class C3:

Use as 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).

Interpretation of Class C3

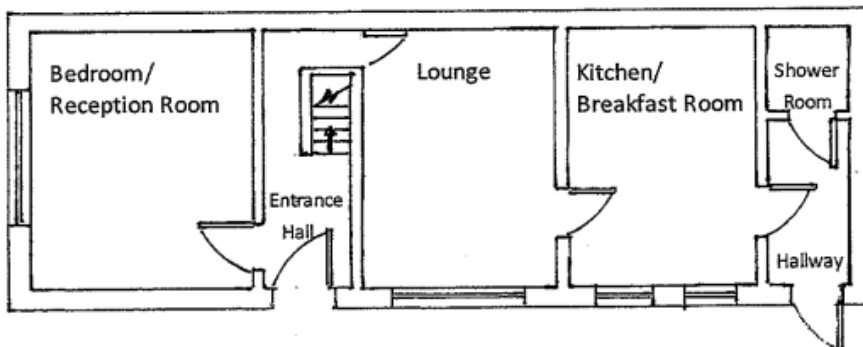
For the purposes of Class C3(a) "single household" shall be construed in accordance with section 258 of the Housing Act 200410.

Class L of Part 3 of the Town and Country Planning (England) Order 1995 (as amended) allows the change of use of small HMOs to dwellinghouses and vice versa.

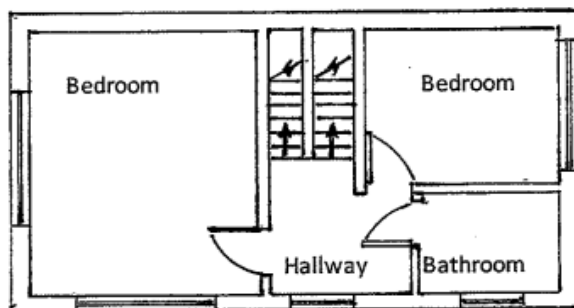
In this case the applicant has confirmed that the dwellinghouse will be used to house people under the age of 16 who need 24 hour care and monitoring. No structural changes are being proposed as shown on the plans below:

Property Address
10 Albion Road, Gravesend
Kent, DA12 2SR
Client
GEMM CARE LTD
Date
26 July 2022
Planning Reference
20220653

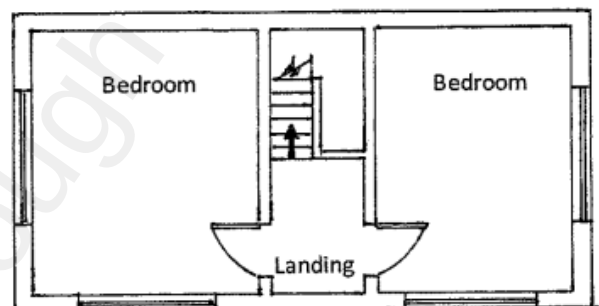
Ground Floor Plan



First Floor Plan



Second Floor Plan



The plans show five bedrooms, four of which are doubles and one single. Potentially the property could accommodate 9 people. Clarification has been sought how many people will be living at the dwelling and the applicant has confirmed there will be three people (two carers and one child). The proposal therefore falls within Class C3(b).

The applicant has stated on the form that the use is residential but has incorrectly stated a C2 use for both the existing and proposed use. This has also been clarified and the applicant has confirmed the existing use is C3(a) and the proposed use is C3(b). The Use Classes Order permits this change and therefore a lawful development certificate can be issued.

As the number of bedrooms is not changing, the development is unlikely to have a significant effect on a European site, either alone or in combination with other plans or projects, and therefore the developer does not need received written notification of the approval of the local planning authority under Regulation 73, of the Conservation of Habitats and Species Regulations 2010, which is expressly saved by Schedule 7 of the Conservation of Habitats and Species Regulations 2017. Pursuant to Article 3(1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, an application under Regulation 73 would not therefore be required before development is begun.

Recommendation: Grant Lawful Development Certificate

Case Officer:	Mrs Alison Webster	Team Leader:	Richard Hart
Signed:		Signed:	<i>R Hart</i>
Dated:	14th September 2022	Dated:	16th September 2022