

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H02-0288-26 **Applicant:** G Akyer-Bassaw

Proposal: Proposed use of property as supported housing (Class C3 (b) for up to 2 persons with 1 to 2 staff

Location: 21 Walken Way Crowland Peterborough

Terminal Date: 20th May 2026

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
OTHER STATUTORY BODIES	1	0	0	0
RESIDENTS	16	0	0	0

CASE OFFICER ASSESSMENT

Proposal

This application seeks consent for a lawful development certificate for the proposed use of 21 Walken Way, Crowland, as supported housing for up to two people with one - two staff (Use Class C3(b)).

The application is submitted under Section 192 of the Town and Country Planning Act (1990) (as amended).

Site Description

The site is located outside of the defined settlement boundary of Crowland, as outlined in the South East Lincolnshire Local Plan, 2019. Walken Way is part of a relatively new build estate and is set just off Harvester Way alongside multiple other built up dwellings.

The area is characterised by residential dwellings despite technically being within the countryside. Immediately south of the site there is large agricultural fields marking the edge of the peri-urban context.

History

H02-1087-14 - Residential development - Outline application for the erection of up to 100 dwellings with associated landscaping and ancillary works (all matters reserved) - Refusal (Appeal Allowed)

H02-0659-18 - Erection of 100 dwellings and associated works - outline approval H02-1087-14 allowed on appeal and the discharge of Condition 10 (management of publicly accessible open space) and Condition 11 (management of incidental open space, recycling/refuse collection points and parking courts/private drives) of the host outline planning permission (H02-1087-14). - Approved

H02-0062-19 - Residential Development - outline application for the erection of up to 100 dwellings with associated landscaping and ancillary works (all matters reserved) - approved under appeal decision H02-1087-14. Modification of Condition 5 relating to affordable housing - Approved

Consultation Responses

North Level Internal Drainage Board

No comments.

Crowland Parish Council

CPC queries if the location is suitable for use, potentially causing adverse effects on the neighbours. Parking may also be an issue.

Sir John Hayes MP

I write regarding the above application for change of use from a residential dwelling to class C3 (b) to provide supported housing.

I have been contacted by neighbouring residents who are concerned about this proposal. Walken Way is a quiet cul-de-sac so the introduction of a supported living home for young people could have a detrimental impact on the nature and character of Walken Way. My constituents are worried about the increase in traffic movements, inconsiderate parking and the possibility of antisocial behaviour, including an increase in noise.

I agree with my constituents that this proposal is in the wrong location. To this end, I would be grateful if you could treat my letter as a formal objection to this application.

Public Representations

This application has been advertised in accordance with the Development Procedure Order and the Council's Statement of Community Involvement. In this instance, seventeen letters of representation have been received, these have been summarised below:

- Concerns of the suitability of the location
- The introduction of support housing is likely to result in increased activity, including frequent comings and goings
- Concerns over noise levels and general disturbance
- Concerns over noise increase impacting ability work from home
- Concerns over parking and how this may impact the safety of the highway
- Concerns regarding impact on residential amenity
- Erosion of continuity which would weaken neighbourly trust and reduce the sense of safety

- The proposal fails to respect the established character of the cul-de-sac, proposal would fundamentally alter the character
- Concerns regarding the potential for anti-social behaviour and general disruption
- Frequent turnover undermines the settled nature of the cul-de-sac
- Concerns as to whether appropriate supervision and safeguarding can be achieved
- Potential to affect house prices
- Concerns over lack of communication and consultation

Planning Considerations

Relevant Legislation

Section 192 of the Town and Country Planning Act (1990) (as amended) sets out the following:

"Certificate of lawfulness of proposed use or development.

(1) If any person wishes to ascertain whether

(a) any proposed use of buildings or other land; or

(b) any operations proposed to be carried out in, on, over or under land, would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

(2) If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(3) A certificate under this section shall

(a) specify the land to which it relates;

(b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);

(c) give the reasons for determining the use or operations to be lawful; and

(d) specify the date of the application for the certificate.

(4) The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.]"

Therefore, the LPA needs to be provided with sufficient information to demonstrate that, on the balance of probability, the proposed use is lawful in planning terms and would not require full planning permission for a change of use.

Assessment

The application seeks consent to establish that the proposed use of the site under Use Class C3(b) is lawful. No operational development is proposed such as external changes to the building.

The Town and Country Planning (Use Classes) Order 1987 (as amended) defines Use Class C3(b) as follows:

"Use as a dwellinghouse (whether or not as a sole or main residence) by -

(b) not more than six residents living together as a single household where care is provided for residents; or"

The current use of the site is considered to fall under Use Class C3(a) as it has been occupied as a dwelling.

A Planning Statement has been submitted within this application which discusses the nature of the proposal and ultimately outlines that the proposal *"would not reach the point where it would give rise to such materially different planning circumstances than the existing lawful use as a dwellinghouse and that it would result in such a change in the definable character of the use that it would amount to a material change of use"*.

No specific case law has been referenced in support of the scheme, with the statement mostly

discussing the overall extent of the proposed use on site. Firstly, it should be noted that there would be 24 hour daily staff support with one member of staff doing 12 hours per shift. The staffing arrangements following shift patterns which are set out as:

- Day shift: 08:00am - 20:00pm
- Night shift: 20:00pm - 08:00am

Each shift will comprise one to two staff members who *"serve as floating staff, providing flexible, low-level support throughout their shifts"*. In addition to this, there would be up to two residents within the property who would be aged between 16 - 17 years old. The level of support provided involves prompting and supporting the residents in their daily living tasks.

As outlined above, Use Class C3(b) is outlined as the use as a dwellinghouse (whether or not as a sole or main residence) by not more than six residents living together as a single household where care is provided for residents. It is considered that there would not be any more than six residents on site at any one time due to there being a maximum of two staff members and two permanent residents. Furthermore, it would solely be the residents who use the property as their permanent residence with the staff members only being there for 12 hours throughout each day.

The statement itself outlines the following justification for the submission:

"- It accommodates no more than six residents (in this case, only two), living together as a single household

- The property remains a domestic residence, not an institution

- Support is delivered in a home-like environment, not a clinical or commercial setting"

Whilst the proposal would meet the above criteria, this is not considered to be a fully appropriate test. Furthermore, it is considered that due to the staff members only being on site for 12 hours and therefore not residing at the property permanently/full time, this would not meet the requirements outlined within the description of C3(b) dwellinghouses; particularly when considering that the staff members would be coming and going from the site to their residence and changing with other staff members. The overall quantum of staff that would attend the site, given that there would be period of absence or leave, is not clear or adequately evidenced within the submission.

The LPA take the view that C3 as a whole refers to the use as a dwellinghouse by not more than six residents living together as a single household which includes a household where care is provided for residents. As such, if a care facility was being run on this basis, particularly with children being looked after by a permanent occupation, then the change of use is not considered to require a planning application for a change of use. However, in this application, care is given on a shift-by-shift basis with staff staying on site for 12 hour shifts each day and therefore do not occupy the dwelling in any capacity. As a result of this, the proposal is considered to be a material change of use and would be better suited to Use Class C2 'Residential Institutions' and requires full planning permission which is defined as:

"Use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3. Dwellinghouses, used as sole or main residences).

Use as a hospital or nursing home.

Use as a residential school, college or training centre"

The certificate cannot be granted in this case as the change of use would be material and requires full planning permission.

Other Matters - Public Representation

A significant number of public representations have been received within this application with all of them objecting to the proposal with these comments being summarised above. Whilst these comments raise material considerations throughout in regard to harm to the character, amenity and parking, these cannot be taken into consideration when assessing this application.

The proposal has been submitted through a Section 192 Lawful Development Certificate and thus can only be assessed against legislative requirements and any relevant case law. Concerns regarding harm to the character and amenity do not hold any weight in the determining of such an application and have had no impact on the decision which has been made.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

The change of use proposed within this submission is considered to be a material change. No case law has been provided in support of the proposal, nor has adequately evidence or justification been demonstrated in this case; with the LPA taking the view that due to care being given on a shift-by-shift basis and given the lack of permanent occupation and lack of detail with regard to the overall arrangements.

The change proposed is considered to be materially different and would fail to meet the definition of Use Class C3(b) and would be better suited to C2 with full permission therefore being required.

Recommendation

Based on the assessment detailed above, it is recommended that the proposal should be deemed unlawful under Delegated Authority.