DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	**H03-0967-18**	**Applicant:**	**M J Children's Services**
Proposal:	Change of use from domestic dwelling to Children's Home catering for no more than 4 young people		
Location:	The Paddocks Blue House Farm Main Road		
Terminal Date:	23rd November 2018		

Planning Policies

Local Plan July 2016:
National Guidance **National Planning Policy Framework 2018**

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

The decision is based upon the case officer's judgment as to the case being proven on the balance of probabilities.

This application seeks the granting of a Lawful Development Certificate (LDC) for the use of the application site as supported living accommodation for children/ small scale children's home. The applicant has not had the benefit of any professional planning advice and applied class C2 to the proposed use which is generally the user class for children's homes. However, a large scale children's home clearly would not fall within a use that would not require planning permission and require the consideration for a Certificate. The case officer following discussions with the applicant, has advised that the use as described is more akin to Class C3(b) and its determination possible under s.192 of the Act, the consideration of such now forms the basis of this assessment.

The dwelling is a good sized detached property set in a large size plot. The applicant has described the dwelling and location as being practical and convenient for providing a low impact residential provision for local children which in great need.

The applicant has confirmed that the children will be cared for by staff on a cyclical rota. Team Leaders work a 24.5 hour shift including an overnight on-call duty, with a changeover between 9.30 and 10.00 AM every day. They are supported by day and night staff who change over at 9 PM and at any one time the 4 children will be cared for by 2 staff members. As this is a small scale care facility with just 4 children and 2 carers its model emulates a household rather than the traditionally viewed large scale care facilities.

It is considered that the application as described would not be substantially materially different from

that of a normal household with similar 'comings' and 'goings'. The applicant is proven in running this kind of facility and has provided evidence in the form OFSTED assessments which includes comments from police officers that confirm a high standard of care and success from these well ran 'family' units. This 'small family home' concept provides the security and safety needed for the specialist care the children require.

The Town and Country Planning (Use Classes) Order 1987 (England) (as amended), C3 is defined as:

Use Class C3 (Dwelling houses) reads as follows:
Use as a dwelling house (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).

The application and its merits appears to potentially fall within C3. The issue here is whether the proposed use can be considered as reflecting the characteristics of a single household. Previous appeal decisions have considered the character of a single household and the use of facilities as communal. Elderly residents living in en-suite rooms was not considered to be enough to constitute a single household as the facilities were not communal but individual.

However, on balance and from what has been submitted it appears that the use reflects the nature and character of a single household. There does not appear to be any proposals to make a major change the interior or the exterior of the property; the applicant has confirmed the need for an office which is secured to protect confidential information, but apart from that all facilities will be shared much like a family unit. Therefore, taking all considerations into account, there would be no material differences in planning terms between the proposal and a typical residential household.

To conclude, the use can be applied to the same use class within C3. The change of use as proposed, which is a small scale care facility within a predominantly unchanged domestic dwelling, would not amount to development in accordance with s.55(2)(f) of the Town and Country Planning Act.

A delegated approval is deemed appropriate in the circumstances.