

# Professional Plans

## **Planning Statement**

### **PROPOSAL:**

**Change of use from a dwelling house (C3) to a  
Children's Care Home (C2)**

### **AT:**

**41 Glisson Road  
Uxbridge  
UB10 0HJ**

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## 1 Introduction

- 1.1 This Planning Statement has been prepared in support of the resubmission of an application to Hillingdon Council following a recent refusal under application reference 15120/APP/2024/2877.
- 1.2 The application seeks full planning permission for the change of use from a dwelling house (C3) to a Children's Care Home (C2).
- 1.3 This Planning Statement outlines the site, its planning history, the proposal, and the relevant planning policy framework related to the development. It also includes a planning assessment and addresses the reasons for refusal cited in the decision reference 15120/APP/2024/2877.
- 1.4 The following documentation supports this application:
  - Completed application form
  - Planning Statement
  - Location Plan
  - Existing and proposed site plan
  - Proposed elevations of stable building

## 2 Site and Surroundings

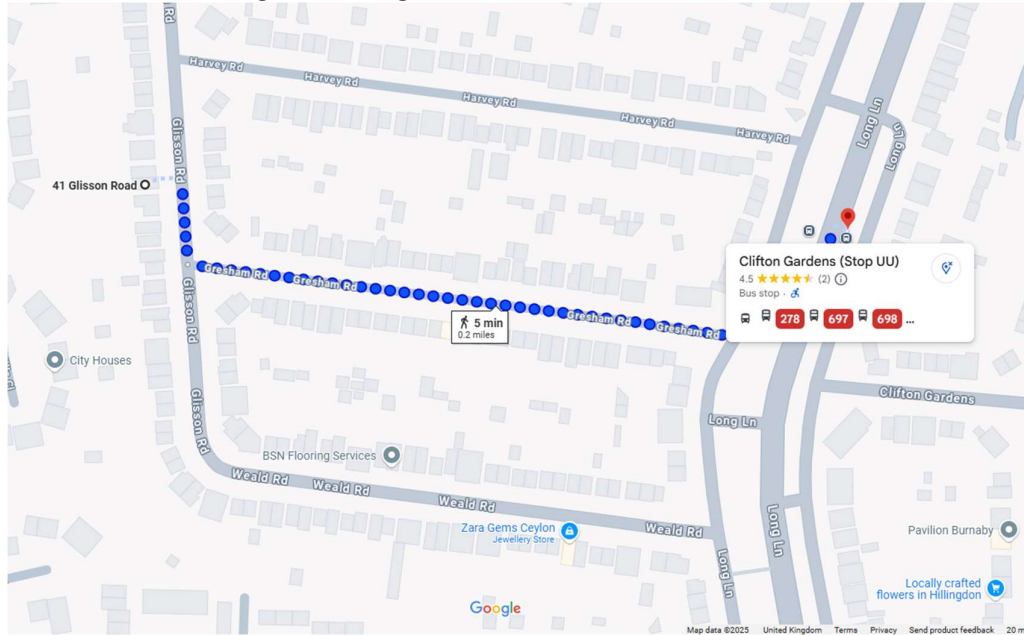
- 2.1 The application site is a two-storey, semi-detached house located on the western side of Glisson Road. The property has rendered elevations and a tiled, hipped roof. It is set back from the adjacent highway to accommodate a front garden laid in hard standing that provides two off-street car spaces. The property also benefits from a large, private garden to the rear, mainly laid to lawn. The property has previously been enlarged by the erection of a part two-storey part single-storey rear extension.
- 2.2 The house is shown in the image below.



**41 Glisson Road, Uxbridge, UB10 0HJ**

- 2.3 The area is predominantly residential, comprising 2-storey semi-detached dwellings of similar styles. The houses on the street have been extended and altered in various ways, giving the street a diverse character and appearance. Almost every house on the street has a single-storey rear extension and an outbuilding in the garden's rear part.

- 2.4 The appeal site is not listed or locally listed and is not within a designated Conservation Area or an Area of Special Local Character. No trees within the site are subject to a Tree Protection Order (TPO).
- 2.5 The Site has a PTAL score of 1a, despite being within easy walking distance (5 min (0.2 miles) to the nearest bus stop on Clifton Gardens (Stop UU) for buses towards Ickenham or Uxbridge, including tube stations.



Source: Google Maps

- 2.6 Google Earth view shows the site and surroundings below:



Source: Google Earth Pro

### 3 Planning History

- 3.1 A full search of the London Borough of Hillingdon's website on the planning history for the application site has been carried out in preparation for the planning statement. The following decisions are of relevance:

Reference	Proposal	Received	Status
15120/APP/2024/2877	Change of use from family dwelling (Class C3) to children's care home (Class C2)	29-10-24	Refusal
15120/APP/2023/714	Erection of a single storey extension and part first floor extension to the rear of the dwelling following demolition of existing single storey rear extension. Installation of 2 new side windows at ground floor level and 1 new side window at first floor level.	09-03-23	Approval
15120/C/89/1829	Erection of a first floor rear extension	23-08-89	Refusal
15120/B/79/1111	Single-storey rear extension.	15-06-79	Withdrawn

Source: <https://planning.hillingdon.gov.uk/OcellaWeb/planningSearch>

### 4 The Proposal

- 4.1 Planning permission is sought to use 41 Glisson Road as a small specialist care home providing short-to-medium care for up to **two children** who have significant support needs stemming from a disability and or health condition(s). This service aims to improve the outcomes of those children requiring care. One carer (working on a rota basis) and a manager will look after the children, which falls within use class C2 of the Use Classes Order. Glisson House (as the proposed will be known) will provide a planned therapeutic placement for a maximum of 2 young people of any sex/gender from ages 0 to 17 years.
- 4.2 The property is a three-bedroomed semi-detached house with two off-street parking spaces to the front.
- 4.3 The home will be registered with Ofsted as a two-bedroomed children's home. Children will undergo a stringent impact risk assessment to ensure they integrate with the local community. This considers the home, the environment, and the community, plus peer groups and risk assessments against each child as an individual prior to admission into the home. The children will live at the property long term, hopefully for many years. This is not a halfway house or emergency housing for children.
- 4.4 The building will not be changed externally other than a secure three-place covered bicycle rack and a bin store.
- 4.5 No internal alterations are proposed as the rooms and space standards meet the requirements of the Care Quality Commission. Prior to the home's registration,



OFSTED would be the organisation responsible for ensuring these standards have been met.

- 4.6 The intention is to register the home for **two children** (until their 18<sup>th</sup> birthdays) who have significant support needs as a result of a disability and or health condition(s). It will undergo an OFSTED-approved stringent impact risk assessment to ensure its integration with the local community.
- 4.7 In a ministerial statement from Rachel Maclean (Former Minister of State, Department for Levelling up, Housing and Communities) in May 2023, she stated: *'The planning system should not be a barrier to providing homes for the most vulnerable children in society. When care is the best choice for a child, it is important that the care system provides stable, loving homes close to children's communities. These need to be the right homes, in the right places with access to good schools and community support. It is not acceptable that some children are living far from where they would call home (without a clear child protection reason for this), separated from the people they know and love'.*
- 4.8 *Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country. It is important that prospective applicants talk to local planning authorities about whether their service is needed in that locality, using the location assessment (a regulatory requirement and part of the Ofsted registration process set out in paragraph 15.1 of the Guide to the Children's Homes Regulations) to demonstrate this.*
- 4.9 Under Section 22G of the Children Act 1989, local authorities have a statutory responsibility to take steps, as reasonably practicable, that ensure children in care are provided with accommodation that '(a) is within the authority's area; and (b) meets the needs of those children.' Three reports were published in 2020 by the Children's Commissioner: 'Children who no-one knows what to do with; Private provision in children's social care' and 'Stability index 2020', which point out the failings of local government to meet this responsibility.
- 4.10 The papers summarise the findings of three years of work by the Children's Commissioner's Office and explain the failure of both national and local government to adequately meet the needs of these children. The report (page 15) states: *'Local authorities are highly reliant on the independent sector, particularly for children's residential care. Costs are increasing but it's unclear why. Given this reliance, it is imperative the market works well and that commissioning and procurement are improved to ensure no child is placed in unsuitable care settings. Recommendations: The Government should consider the barriers to creating more residential care placements to increase supply'.*

- 4.11 The proposed children's home seeks to replicate as closely as possible a normal family environment. This type of provision, which government policy promotes, is to help children who often, through no fault of their own, have not had good parenting in their early years.
- 4.12 Under the requirements of OFSTED, such care homes must be run as closely as possible to a typical family household while accepting staff are employed on a rota basis to provide parental support to the children so many have missed in their early years. The only physical requirements specified by OFSTED are security cameras (although not essential and not materially different from a system found in many households), emergency lighting (no external visual distinction from normal lighting) and locks on bedroom doors for the privacy of each child (not a material issue for planning).
- 4.13 According to fire regulations for care homes, the only physical requirement is that fire doors be installed on those leading to the kitchen. However, in this case, all the doors at the property are fitted with fire doors to enhance protection. The physical appearance of such doors is not materially different from normal doors and has no significant impact on the character of the property.
- 4.14 The application ensures that the property acquired will meet the necessary planning requirements to achieve OFSTED registration.
- 4.15 **Two children** would live at the house, with one carer working on a rota basis. At around 7.15 a.m., one day-career would arrive to replace the overnight carer. A manager would also arrive each weekday around 9 a.m. and work until around 5 p.m. The overnight carer would arrive around 7.15 p.m. to change with the day staff.
- 4.16 These comings and goings are set out in the table below.
- 4.17 The purpose of the home would be to support the children in building their confidence, helping them develop life skills, and preparing for adult life outside of an institution. This type of support has been found to be most effective in helping these children have normal lives and not experience problems in later life.
- 4.18 During the day, the child is expected to engage in various activities and attend a mainstream or special school.
- 4.19 The children's home model creates a warm and nurturing family-style environment for medium to long-term care for two children. This type of provision is operated in the same manner as a regular family home with one primary carer to provide consistency and stability to the children who live there (similar to a fostering model).
- 4.20 Care is provided in small family units, where residential carers help to develop the social and life skills needed when the children no longer live within an institution. Without such homes and positive interventions, these children, when they leave the



controlled environment of care homes, will often end up in adult institutions, suffering from long-term health problems.

- 4.21 The proposed children's home will provide round-the-clock care by rota-based carers; however, no adult carers will permanently reside at the property.

## 5 Planning Assessment

- 5.1 The National Planning Policy Framework (NPPF) and the Hillingdon Local Plan Part 1 - Strategic Policies (2012) and Part 2 - Development Management Policies (2020) provide the planning policy framework.

- 5.2 The relevant sections of the NPPF are as follows:

**Paragraph 2** of the NPPF is highly relevant. It states that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise.

**Paragraph 61** makes clear that to *'support the Government's objective of significantly boosting the supply of homes.....the needs of groups with specific housing requirements are addressed'*.

**Paragraph 62** makes clear how housing need in an area should be assessed and understood, and paragraph 63 advocates that planning policies should reflect the housing needs for different groups in the community. These groups should include (but are not limited to) those who require affordable housing (including Social Rent); families with children; **looked after children**; older people (including those who require retirement housing, **housing with-care and care homes**); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes.

- 5.3 In a ministerial statement the then Housing and Planning Minister said *'councils should consider whether it is appropriate to include accommodation for children in need of social services as part of the NPPF assessment'*. She went on to say that *'Local planning authorities should give due weight to and be supportive of applications, where appropriate, for all types of accommodation for looked after children in their area that reflect local needs and all parties in the development process should work together closely to facilitate the timely delivery of such vital accommodation for children across the country'*.

- 5.4 **Paragraph 116** is specifically relevant, which advises that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

- 5.5 **Section 8** – Promoting healthy and safe communities emphasises the need to make appropriate provision for the special needs of young people.

**Hillingdon Local Plan Part 2 - Development Management Policies (2020)**

Policy DMH 1: Safeguarding Existing Housing

- A) The net loss of existing self-contained housing, including affordable housing, will be resisted unless the housing is replaced with at least equivalent residential floorspace.

- 5.6 **Comment:** In this case, the housing unit is not being lost but is being used to provide accommodation for disadvantaged young people. As stated in London Plan Policy H12, specialised housing should be supported where it is needed. In the previous application (ref: 15120/APP/2024/2877), it was acknowledged in the Officer's report that the loss of one C3 unit is acceptable as it facilitates the provision of a C2 residential home for a specialised category as outlined in the London Plan, and therefore, the loss was deemed acceptable. It was also recognised that the property will continue to provide a form of housing that is essential to the borough's needs.

Policy DMH 8: Sheltered Housing and Care Homes

- A) The development of residential care homes and other types of supported housing will be permitted provided that:
- i) it would not lead to an over concentration of similar uses detrimental to residential character or amenity and complies with Policy DMH 4: Residential Conversions;
- 5.7 **Comment:** The applicant is not aware of any other children's care homes in this area, and it was stated in the officer's report (ref: 15120/APP/2024/2877): "...it is considered that the proposed development would not amount to an over concentration of similar uses within the immediate area.
- ii) it caters for need identified in the Council's Housing Market Assessment, in a needs assessment of a recognised public body, or within an appropriate needs assessment and is deemed to be responding to the needs identified by the Council other recognised public body such as the Mental Health Trust;
- 5.8 **Comment:** The officer's report(ref: 15120/APP/2024/2877) acknowledged a need for children's care homes within the Hillingdon Borough, as recognised by the public body OFSTED.
- iii) the accommodation is fully integrated into the residential surroundings
- 5.9 **Comment:** The proposal development results in minimal changes to the character of the existing dwellinghouse and will, therefore, fully integrate with the local community, as acknowledged in the officer's report (ref: 15120/APP/2024/2877).

- B) Proposals for residential care establishments which fall under Use Class C2 must demonstrate that they would provide levels of care as defined in Article 2 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

5.10 **Comment:** The care proposed would fall under Use Class C2 (residential institutions), as acknowledged in the officer's report (ref: 15120/APP/2024/2877).

Policy DMT 1: Managing Transport Impacts

- A) Development proposals will be required to meet the transport needs of the development and address its transport impacts in a sustainable manner. In order for developments to be acceptable they are required to:
- i) be accessible by public transport, walking and cycling either from the catchment area that it is likely to draw its employees, customers or visitors from and/or the services and facilities necessary to support the development;
  - ii) maximise safe, convenient and inclusive accessibility to, and from within developments for pedestrians, cyclists and public transport users;
  - iii) provide equal access for all people, including inclusive access for disabled people;
  - iv) adequately address delivery, servicing and drop-off requirements; and
  - v) have no significant adverse transport or associated air quality and noise impacts on the local and wider environment, particularly on the strategic road network.
- B) Development proposals will be required to undertake a satisfactory Transport Assessment and Travel Plan

Policy DMT 2: Highways Impacts

States development proposals must ensure that:

- i) safe and efficient vehicular access to the highway network is provided to the Council's standards;
- ii) they do not contribute to the deterioration of air quality, noise or local amenity or safety of all road users and residents;
- iii) safe, secure and convenient access and facilities for cyclists and pedestrian are satisfactorily accommodated in the design of highway and traffic management schemes;
- iv) impacts on local amenity and congestion are minimised by routing through traffic by the most direct means to the strategic road network, avoiding local distributor and access roads; and
- v) there are suitable mitigation measures to address any traffic impacts in terms of capacity and functions of existing and committed roads, including along roads or through junctions which are at capacity.

Policy DMT 6: Vehicle Parking

- A) Development proposals must comply with the parking standards outlined in Appendix C Table 1 in order to facilitate sustainable development and address issues relating to congestion and amenity. The Council may agree to vary these requirements when:

- i) the variance would not lead to a deleterious impact on street parking provision, congestion or local amenity; and/or
- ii) a transport appraisal and travel plan has been approved and parking provision is in accordance with its recommendations.

5.11 **Comment:** Policy DMT 6 requires 1 space per 3 employees for residential institutions (including care homes).

5.12 With up to two staff present at any one time, except for changeover periods, the two off-street parking spaces more than meet the policy. In addition, it is the company policy to encourage staff to use public transport (by offering free bus passes or subsidised taxi fares) or cycle to work( with the provision of a secure bicycle rack) and not to allow on-street parking (**our emphasis**). Taxis will transport children to and from school, ensuring no impact on parking or highway safety. The proposal, therefore, complies with Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policies T2, T4 and T6 of the London Plan (2021).

9.8 Vehicle access to the application site would be achieved via the existing vehicle crossover. However, if the council has concerns regarding the size of the existing domestic vehicle footway crossover, the applicant is willing to extend it like that of the crossover immediately across the road at 26 Glisson Road, as illustrated in the image below:



Source: Google Streetview

## 6 Transport Assessment - 41 Glisson Road, Uxbridge, UB10 0HJ

### Existing Site Conditions

6.1 Google Earth view shows the site and surroundings below:

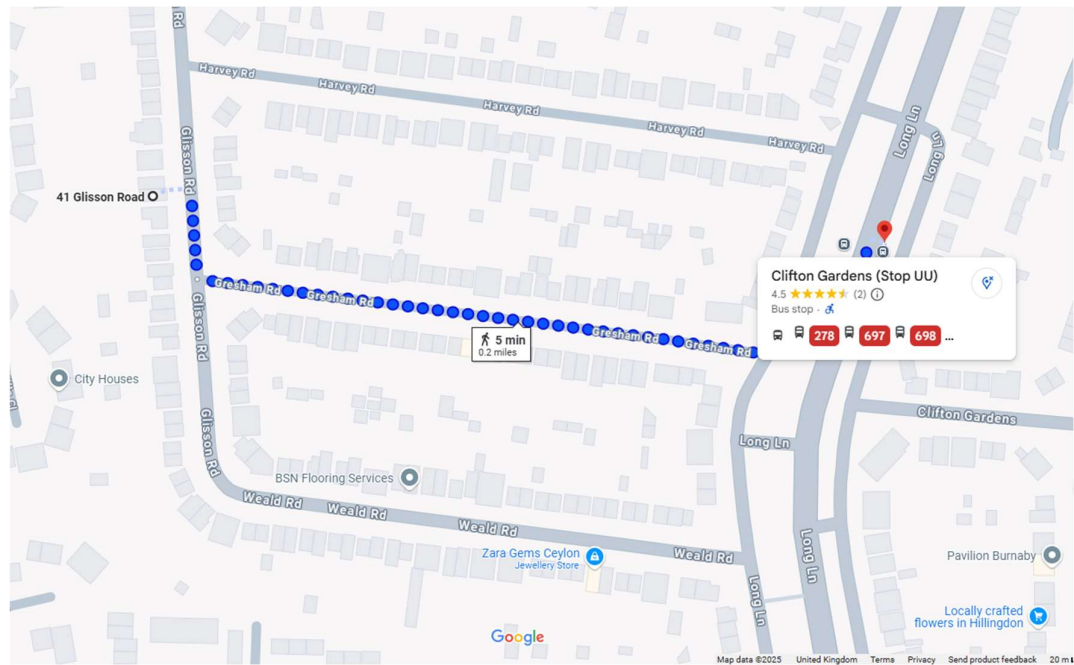


Source: Google Earth Pro

**Accessibility to public transport** (nearest bus stops, tube stations, and their frequency/routes):

- 6.2 The site is within easy walking distance (5 min (0.2 miles) to the nearest bus stop in Clifton Gardens:

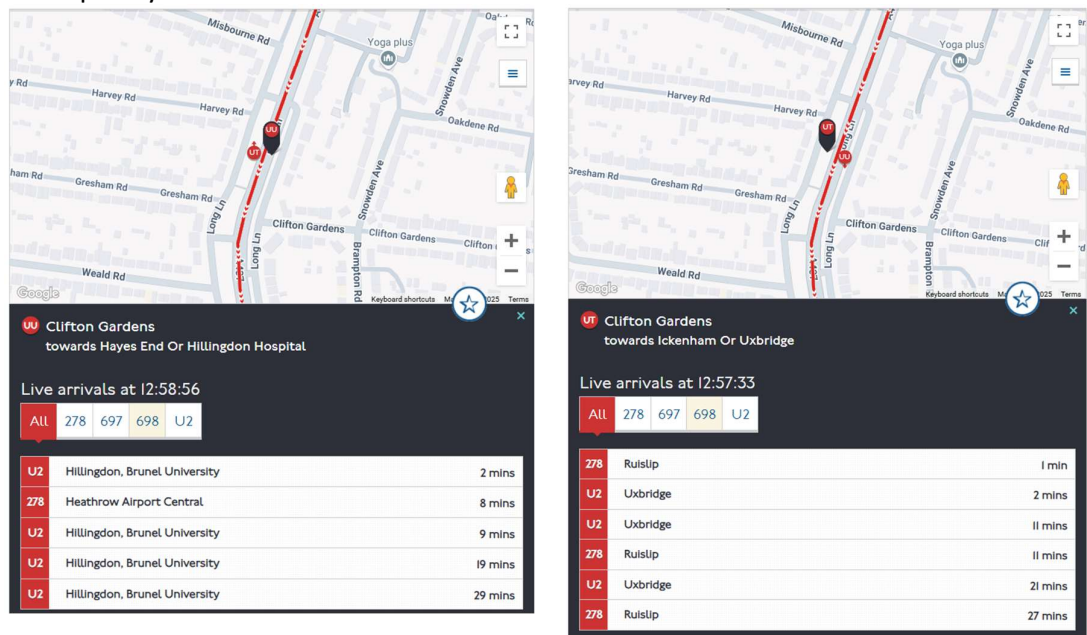
**(Stop UU)** for buses towards Hayes End Or Hillingdon Hospital and  
**(Stop UT)** towards Ickenham Or Uxbridge



Source: Google Maps

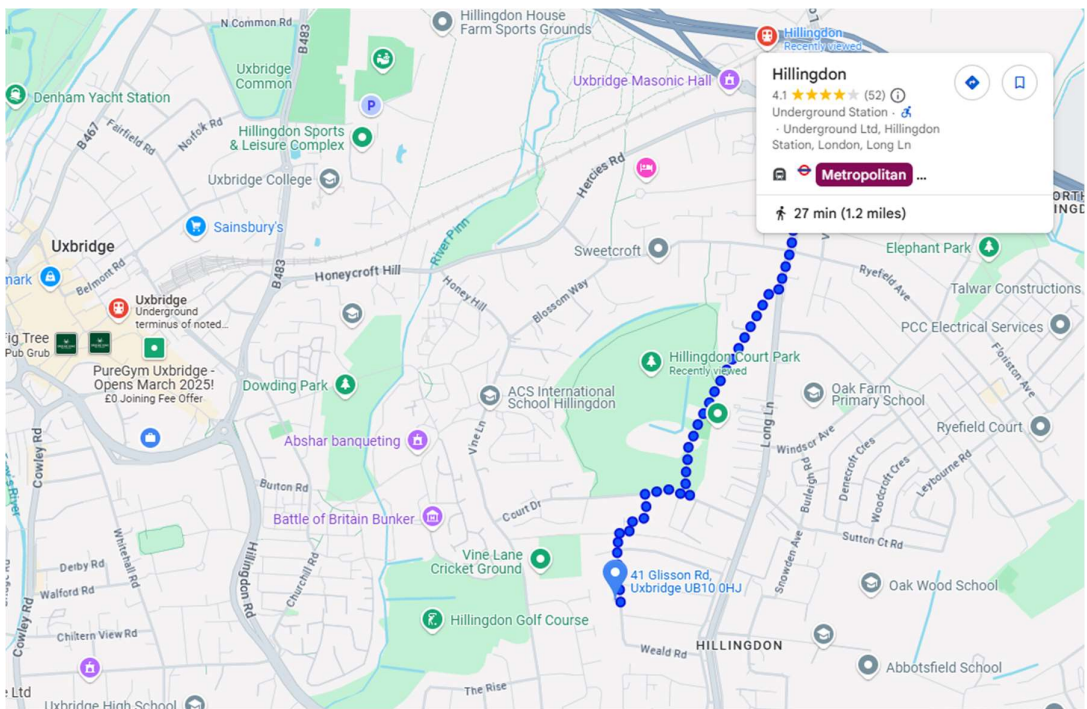


6.3 The following routes are available at each stop in opposite directions, showing their frequency:



Source: <https://tfl.gov.uk/bus/stop/490005422S/clifton-gardens/?>

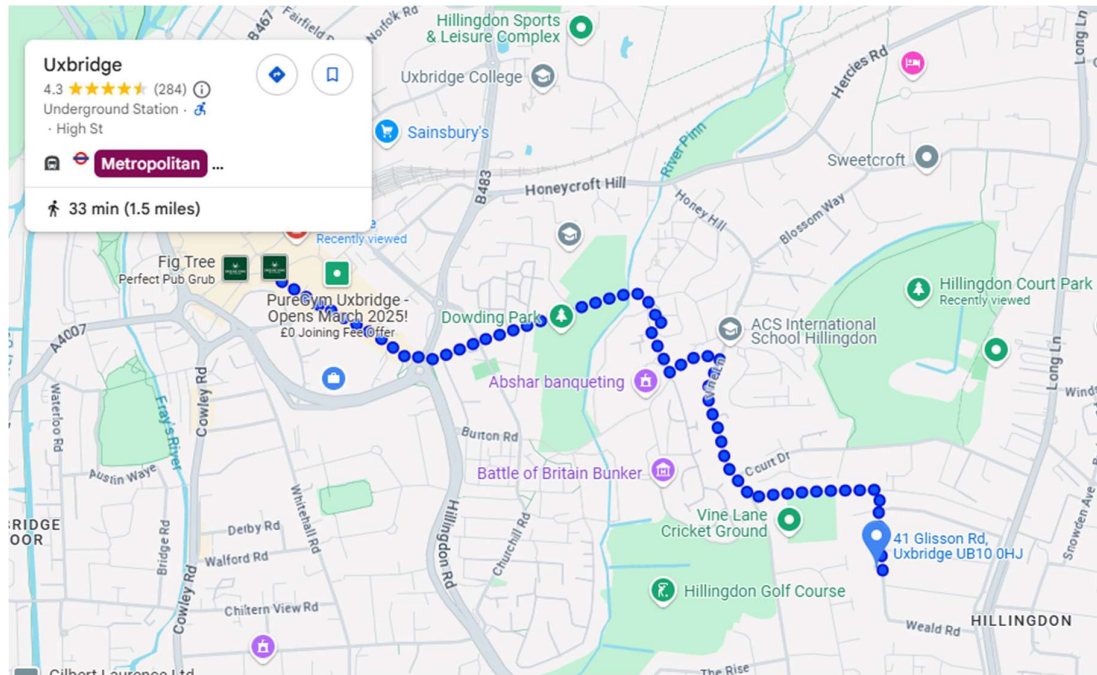
6.4 The nearest tube station is Hillingdon, a 27-minute walk (1.2 miles).



Source: Google Maps

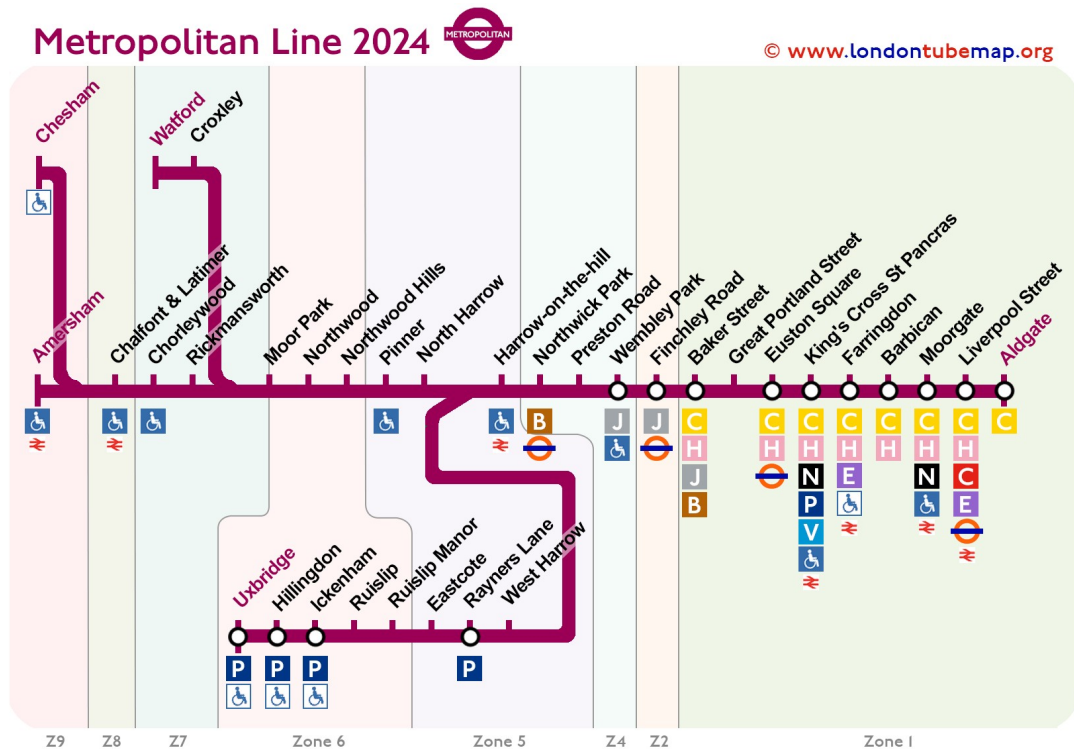


6.5 The other nearest tube station is Uxbridge, a 33-minute walk (1.5 miles).



Source: Google Maps

6.6 Car parking and disabled facilities are available at Hillingdon and Uxbridge tube stations. The image below shows the stations available on the Metropolitan Line.



6.7 Cycling infrastructure: dedicated cycle lanes are available within short proximity of Uxbridge Road and Glisson Road.



Source: Google Streetview

## 7 Travel Plan

### **Staff rota**

Staff numbers:

- 1 Staff member, Day shift: 7:30am to 7:15pm per unit
- 1 Staff member, Night shift: 7:30pm to 7:15am per unit
- Manager, Business hours: 9:00am to 5:00pm, Monday to Friday.

The work schedule patterns have been designed to ensure that at least one staff member is always on duty. No sleeping accommodation is provided for staff. This will prevent any possibility of antisocial behaviour and ensure that the children's needs are consistently met.

During the annual leave and sick leave of permanent employees, interim staff and reserve team members will cover their duties. The staff handover will take place between 7:15 a.m. and 7:30 a.m. and between 7:15 p.m. and 7:30 p.m. This will not occur during school hours, thus not impacting the staff's ability to take children to school.

### **Staff and visitors**

Visitor Groups

Staff x1 - Staff will be encouraged to use public transport, minicabs or cycle to work. In any event, the site has off-street parking.

### **OFSTED inspector**

Once a year during office hours between Monday and Friday: 9 am and 5 pm.  
The OFSTED inspector can use public transportation.

### **Social worker visit**

This depends on the individual child's plan, but once a month, the visits will be less as the children settle. They visit during office hours, Monday through Friday, between 9 a.m. and 5 p.m. The social workers can also use public transport.

### **Regulation 44 inspector**

Once a year during office working hours Monday to Friday between 9 am and 5 pm.  
The regulator 44 inspector can also use public transport.

### **LAC Nurse**

It can be once a year for an annual health check or never, as the child can be asked to visit the GP for the check. The nurse may never visit; the health check can be taken at an offsite location like a school or a GP practice.

### **Family visit**

These depend on the child's plan. The family will be encouraged to arrive by public transport or minicab.

The property is served by buses stopping just a few metres away on Clifton Gardens within easy walking distance (5 min (0.2 miles). Consequently, employees and visitors can

access the property via bus. There will be no visitations during staff handover time. Visits will be secured by a booking system and managed to ensure that there is no overlap.

During handover time, the staff will be focused on exchanging information between those leaving and those beginning their shifts; therefore, visits will not be appropriate for others.

As a provider of social care services, understanding public transport helps us structure the shift patterns to allow staff to access transport to travel to and from work. The staff and visitors have access to reliable public transportation, and the majority of visits will occur between Monday and Friday during working hours. Important information for residents, personnel, and visitors will be posted on the bulletin board, including specifics about local transportation.

The Children will not be of driving age.

## 8 Principle of Use

- 8.1 As the proposed use will remain residential in nature, the principle of the use in a residential area is not considered to be in conflict with policy.

### **Location of Specialist Housing**

- 8.2 OFSTED will require a local risk assessment before approving the property as a care home. Planning is therefore not the only form of regulation which controls the suitability of the location. A basic principle in assessing a planning application is whether there is other legislation which is more appropriate to regulate the proposed development. In the case of children's care homes, the relevant powers are set out in:

- Care Standards Act 2000
- The Care Standards Act 2000 (Registration)(England) Regulations 2010
- The Children's Homes (England) Regulations 2015
- Children's Homes and Looked after Children (Miscellaneous Amendments) (England) Regulations 2013

### **Neighbouring Amenity**

- 8.3 It is not considered that the comings and goings will have an adverse impact on the amenity of neighbours. This is no different from that of a typical family household or House of Multiple Occupations that is allowed under the householder's permitted development rights.
- 8.4 The day-to-day activities in the home will mirror those of a typical family. Staff shift changes, school runs, and visitors will all follow a schedule similar to that of a family with young children. Additionally, evidence from other similar care homes indicates that the level of comings and goings will not differ materially from a typical household.
- 8.5 A typical week at the care home will include regular school runs, staff changes, and occasional social worker visits. These activities will follow a predictable schedule, and all efforts will be made to minimize traffic and disruption to the surrounding area.
- 8.6 The comings and goings, whether by car or other means, are similar to those of a typical family dwelling. The home manager would arrive on weekdays in the morning and leave each afternoon (9 am and 5 pm). The other staff member on the premises would work 12-hour shifts, changing at 7:30am and 7:30pm.
- 8.7 An elderly person or someone with special needs living in a dwelling with four carers arriving throughout the day does not have a material impact on the amenity of neighbours, hence nor would the proposed movements.
- 8.8 An estimate of the average number of comings and goings in a week of the existing and proposed use is set out below.

- 8.9 All household chores, such as cleaning, cooking, and gardening, involve the children; no additional staff are employed on the premises.
- 8.10 In addition to OFSTED's one visit per year, local social services will visit approximately every four to six weeks.
- 8.11 Other social workers may visit occasionally, depending on the individual children's needs. Family members and friends may also visit, although these are carefully managed in advance, subject to the child's individual care plan. These visits are no more frequent than those to a typical family by friends or relatives.

**Schedule 1 (estimated comings and goings of a typical family of 2 adults and two children)**

Activity	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Journey to & from work		2	2	2	2	2	
School run		4	4	4	4	4	
Shopping/Social/recreational outings	4			2			4
Visitor(s)	4			2		2	4
<b>Total Movements (In and out)</b>	<b>8</b>	<b>6</b>	<b>6</b>	<b>10</b>	<b>6</b>	<b>8</b>	<b>8</b>

**Schedule 2 of Proposed Use ( based upon the experience of other similar homes)**

Activity	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Home Manager		2	2	2	2	2	
Care worker starting and finishing shift	4	4	4	4	4	4	4
School run		4	4	4	4	4	
Shopping/Social/recreational outings	4						4
Visitor(s)	2			2			4
<b>Total Movements (In and out)</b>	<b>10</b>	<b>10</b>	<b>10</b>	<b>12</b>	<b>10</b>	<b>10</b>	<b>12</b>

- 8.12 The schedule above indicates that the arrivals and departures would not differ significantly from those of a typical household.

**Impact of the presence of staff**

- 8.13 Visually, the property would look no different to the adjacent houses. During the day, there would typically be only two members of staff present at any one time, except at changeover times when there could be three for a short time. Staff members in the property at any one time would have no impact on the amenity or character of the area.
- 8.14 In a similar case, the Appeal (Appeal ref. APP/P1045/X/20/3263178 – **Appendix A**) states in paragraph 7, *'There would be some vehicle movements associated with carers coming to and going from the site on a daily basis in accordance with their shift patterns and there would be additional journeys linked to taking children and young people to school or college and taking them to other activities or appointments. The number of these movements is unlikely to be significantly more*

*than the number that would be undertaken by a family and certainly not enough to result in a level of intensification in the use of the site that gives rise to concerns from a planning point of view. There is insufficient evidence before me to show that the use would be likely to result in greater levels of noise and disturbance than the existing authorised residential use.'*

8.15 Appeal (Ref. APP/C5690/X/22/3299351 - **Appendix B**) also provides a useful assessment of a similar care home. In paragraph 12, it states: '*Whilst there will be some additional comings and goings associated with the use as a residential care home, there is no evidence before me to dispute the appellant's case that the use will not give rise to a greater level of disturbance than could be generated by the lawful use as a C3 dwellinghouse. The additional comings and goings identified by the appellant and Council are at a sufficiently low level so as to remain within the parameters of what could be usually expected of a family home and not therefore materially different so as to change the character of the property. Similarly the number of people who will be typically present at the property, and therefore the associated waste generated, is not significantly higher than could be expected with its current lawful use.'*

8.16 It is maintained that the proposed use, as detailed in this supporting statement, would not be materially different from a typical household. This is also supported by the Egerton Appeal (Appeal Ref. APP/E2205/X/16/3161037 - **Appendix C**), where the Inspector concluded a similar use would not result in significantly more movements to give rise to planning concerns.

### **Community Engagement**

8.17 The applicant recognises the importance of integrating the proposed children's home into the local community and will actively engage with neighbours by offering a point of contact for local residents to raise any concerns directly with the home's management team.



## 9 Summary & Conclusions

- 9.1 No alterations to the building are proposed, and it is considered that the proposed development would not have a detrimental impact on the character and appearance of the surrounding area or the residential amenities of neighbouring occupants.
- 9.2 It is maintained that there is little difference in planning terms between the proposed use and the current authorised use as a dwelling. A maximum of two children aged between 0 and 17 are expected to live at the proposed children's home, with round-the-clock care provided by carers on a rota basis. Overnight staff will use the room on the first floor (labelled staff room) for resting; there will not, however, be any adult carers permanently residing at the property. Facilities such as the bathroom/WC, kitchen, and living rooms would be shared, and the living mode would be communal. The comings and goings associated with the use would not be materially different from a typical residential household.
- 9.3 The proposed use is to provide a stable home environment for the occupant as their primary and sole residence and to ensure that the length of stay is generally longer than temporary or passing. It would not be a 'halfway' house or provide overnight emergency lodgings, for example. However, in any event, the courts have provided some assistance in determining the significance of there being a commercial factor to a residential use or an arrangement where the occupants have generally only a limited period of stay.
- 9.4 Following *Gravesham BC v Secretary of State for the Environment* [1982], the court accepted that the distinctive characteristic of a dwelling house was its ability to afford to those who used it the facilities required for day-day private domestic existence. It did not lose that characteristic if it was occupied for only part of the year, or at infrequent intervals, or by a series of different persons or if it was under commercial management. The development complies, therefore, with Policies DMH 1 and DMH 8 of the Hillingdon Local Plan Part 2 - Development Management Policies (2020) and Policy H12 of the London Plan (2021).
- 9.5 This application has taken into account the comments expressed in the recently refused application (15120/APP/2024/2877) by submitting a travel assessment and plan that illustrates the revised scheme (i.e., a reduction from three childcare home to two childcare home, with a maximum of two staff members on-site at any given time) will not lead to a detrimental impact on highway safety.
- 9.6 Staff and visitors will be encouraged to use public transport (by offering free bus passes or subsidised taxi fares) or cycle to work (with the provision of a secure bicycle rack) and not to allow on-street parking.
- 9.7 Policy DMT 2 requires 1 space per 3 employees for residential institutions (including care homes). The proposal provides 2 off-street parking spaces, therefore exceeding the requirement. Vehicle access to the application site would be achieved via the

existing vehicle crossover. Furthermore, the applicant is willing to fund the extension to the crossover if required.

- 9.8 Taxis will transport children to and from school, ensuring no impact on parking or highway safety. The proposal, therefore, complies with Policies DMT 1, DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Policies T2, T4 and T6 of the London Plan (2021).
- 9.9 Comings and goings would be no greater than could occur at present, hence there would be no undue disturbance to any neighbours. The local authority is therefore respectfully requested to support the application to allow this much needed facility to be established.

## Appeal Decision

Site visit made on 9 March 2021

**by A A Phillips BA(Hons) DipTP MTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 March 2021**

**Appeal Ref: APP/P1045/X/20/3263178**

**214 Dale Road, Matlock Bath DE4 3PT**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr Sandeep Manaktala of Blue Mountain Homes against the decision of Derbyshire Dales District Council.
- The application Ref 20/00902/CLPUD, dated 14 August 2020, was refused by notice dated 13 November 2020.
- The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought is described on the application form as C2 – residential institution.

### Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed use which is considered to be lawful.

### Main Issue

2. The main issue is whether the Council's decision to refuse to grant a certificate of lawful use or development was well-founded. In this case that turns on whether the proposed use is a material change of use from the lawful use as a single dwellinghouse falling within Class C3.

### Reasons

3. The appeal property is a detached two storey dwellinghouse situated on the main road (A6) between Matlock Bath and Matlock. It is situated adjacent to a row of terraced houses and is separated from the main road by a small front garden with a path leading to the front door. It has a small rear garden that backs onto a steep cliff and there is on-site parking immediately adjacent to the house. The proposed use is as a home for up to three children or young people with care provided on a rota basis. A member of staff would sleep on the premises to provide 24 hour care and a carer would attend during the day. Therefore, the carers would not live permanently at the property but rather would operate on a shift basis.
4. A similar scenario to this case was considered in the case of *North Devon District Council v First Secretary of State [2004] 1 P. & C. R. 38* which determined that children cannot form a household and that if their carers do not live permanently at the property, the use would fall within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (the UCO).

This is defined as use for the provision of residential accommodation and care, other than within a Class C3 use.

5. As previously set out in this decision, the property would be occupied by up to three children or young people who would live in the house under the care of two carers working on a rota basis sleeping overnight (two days on and two days off). A manager would be on site during weekdays between 0900 and 1700 and there may be occasional visits from a social worker or clinician. The property would not be the main residence of the carers. Consequently, the Council states that the main consideration in this case is that the carers would not be full time residents, but would work in shifts, consistent with a C2 use. The Council goes on to argue that there is no permitted change from C3 to C2 under the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO) and the proposed use cannot therefore be considered to be permitted development.
6. However, a change of use to a different use class only requires planning permission if it is material in planning terms. In this case, the appellant accepts that the proposed use is within Class C2 but contends that the nature of the use as detailed in the application would not be materially different than a typical household in Class C3. That is the basis on which I have determined this appeal and in order to establish whether or not there would be a material difference a comparison between the existing and proposed uses must be carefully considered.
7. The property currently comprises of a sitting room, living room, dining room, kitchen, WC and hall at ground floor level with four bedrooms, an additional bedroom/dressing room, WC and bathroom on the first floor. The house could quite easily accommodate a family with two adults and three or more children and therefore the proposed use for up to three children or young people and their carers would not be materially different from the authorised use as a single four or five bedroom family dwellinghouse. There would be some vehicle movements associated with carers coming to and going from the site on a daily basis in accordance with their shift patterns and there would be additional journeys linked to taking children and young people to school or college and taking them to other activities or appointments. The number of these movements is unlikely to be significantly more than the number that would be undertaken by a family and certainly not enough to result in a level of intensification in the use of the site that gives rise to concerns from a planning point of view. There is insufficient evidence before me to show that the use would be likely to result in greater levels of noise and disturbance than the existing authorised residential use.
8. It is my understanding that the appellant will be required to comply with a range of regulations and rules governing the operation of the accommodation for children and young people in care, including their supervision. Should these regulations be adhered to and the appellants meet the necessary staffing and management requirements, I do not find there to be any reason why the use proposed would have planning impacts that would result in it being considered to be a material change of use.

## **Conclusion**

9. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in

respect of use of the property for C2 - residential institution purposes was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

*A A Phillips*

INSPECTOR



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## Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191  
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2015: ARTICLE 39

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**IT IS HEREBY CERTIFIED** that on 14 August 2020 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The use, whilst falling within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended), would not represent a material change from the authorised use of the site as a Class C3 dwellinghouse.

Signed

*A A Phillips*

INSPECTOR

Date: 15 March 2021

Reference: APP/P1045/X/20/3263178

### ***First Schedule***

The use of the dwellinghouse within Class C2 of the UCO, for occupation by up to three children or young people with care provided on a rota basis

### ***Second Schedule***

Land at 214 Dale Road, Matlock Bath DE4 3PT

## NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule was /were lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.





## Plan

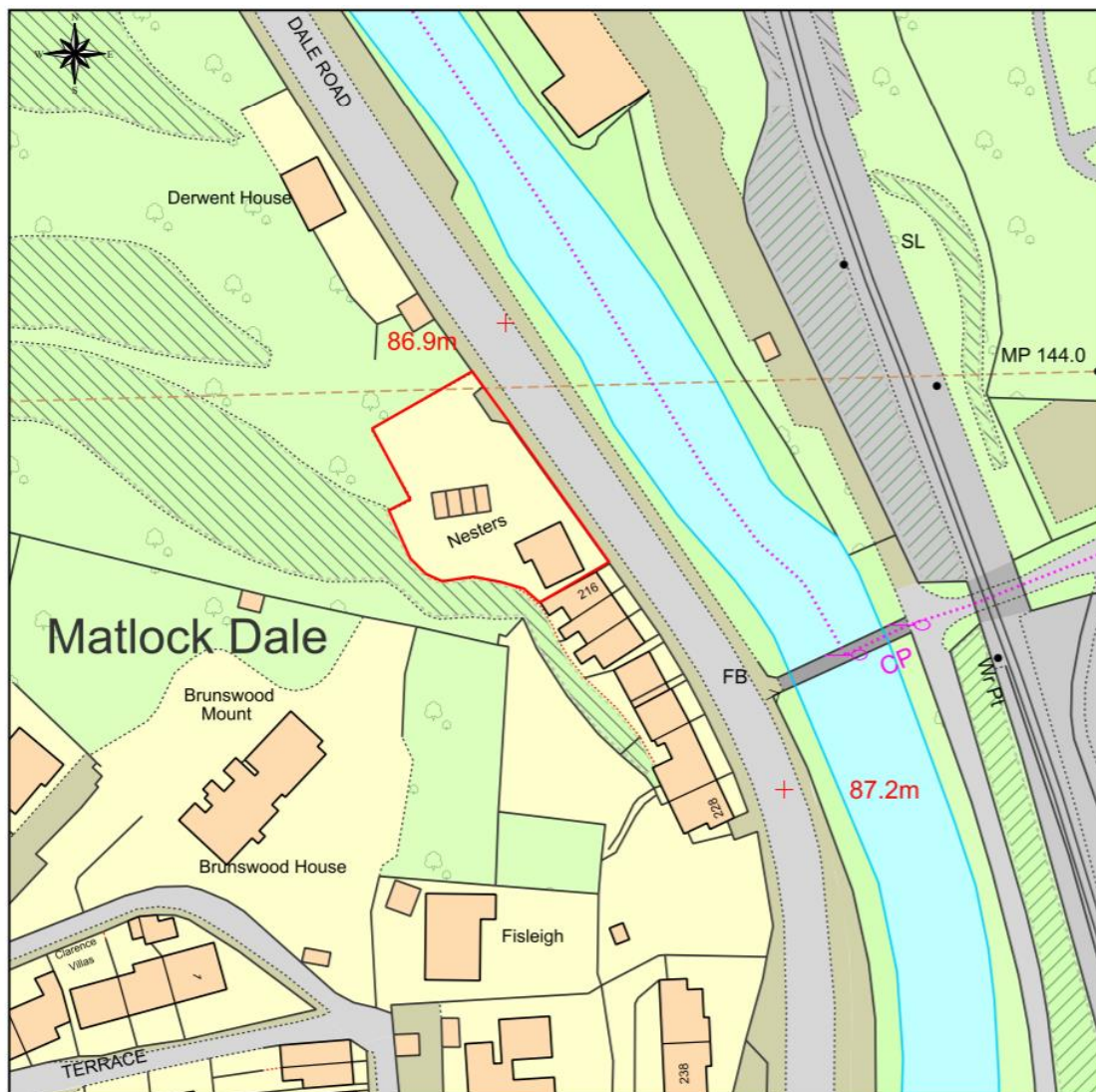
This is the plan referred to in the Lawful Development Certificate dated: 15 March 2021

by **A A Phillips BA(Hons) DipTP MTP MRTPI**

**Land at: 214 Dale Road, Matlock Bath DE4 3PT**

**Reference: APP/P1045/X/20/3263178**

Scale: Do not scale





# Appeal Decision

**by Zoë Franks Solicitor**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 January 2023**

**Appeal Ref: APP/C5690/X/22/3299351**

**9 Whitburn Road, LONDON, SE13 7UQ**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Nigel Kennedy, Kennedy Elliott Partnership against the decision of London Borough of Lewisham.
- The application ref DC/22/126014, dated 17 March 2022, was refused by notice dated 19 May 2022.
- The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought is use of premises as a home for up to three children or young people with up to two full-time resident carers working on a rota basis sleeping overnight.

## Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed use which is found to be lawful.

## Preliminary Matter

2. A site visit was not necessary in this case as it would not aid the decision-making process, and the parties were informed of this before the appeal was determined.

## Main Issue

3. The main issue is whether the Council's decision to refuse the LDC application was well-founded. It is agreed that the proposed use as a home for up to three children or young people with up to two full-time resident carers working on a rota basis sleeping overnight constitutes a change from the current lawful use as a Use Class C3 dwellinghouse. I accept that, because the carers work on a rota basis and the property is not their primary residence, the proposed use would fall within Use Class C2 as a residential care home.
4. It is a question of fact and degree in each case as to whether a change from a use falling within one class to a use falling within a different class amounts to a material change of use. It is for the appellant to prove on the balance of probabilities that there is no material difference between the current and proposed uses, and therefore no development which would require planning permission.

## Reasons

5. The property comprises of a large kitchen/dining room, a lounge and 4 bedrooms. Three children or young people would live at the house, with two carers working on a rota basis sleeping overnight. Six carers would operate on

a rota of 48 hours on and 48 hours off, or 60 hours on and 60 hours off. A manager would be on site during weekdays from 9 am to 5pm. The manager's role would be as a third carer, together with administrative work relating to the home. Locks would be included on the bedroom doors and fire doors would be located at the kitchen.

6. The Council refused the application on the basis that the proposed development would result in a material change to the use and character of the property. The factors they identified which they say will change the character of the use are the increased comings and goings, the increase in level of disturbance and refuse arising from an increase in the number of people at the property, the use of a room as an office by someone who does not live at the property and the provision of locks on the bedroom doors.
7. In particular the Council disputes the levels of comings and goings of the previous and proposed use provided by the appellant. The Council say that the increase in total movements including the carers arriving and departing on a shift basis, the manager coming to the site during the working week, specialist care counselling and teaching required onsite and parental visits are highly likely to lead to a material increase in comings and goings which will have a cumulative material impact on the character of the property.
8. The appellant argues that the property would be operated in a way that is very similar to a typical family home. Up to three children would live at the house, with two carers working on a rota basis sleeping overnight. Other than changeover times, there would be no more than three carers on the premises at any one time. There would be one changeover of the overnight care staff per day, usually 8am each morning, lasting for around ten minutes. A manager, also a carer, would usually visit the site at some point during the working day.
9. Any home schooling would take place online and there would not be specialist staff visiting the premises, as the carers will provide for all of the residents' needs, and parental visits will take place away from the property. Social Services and Ofsted will need to visit the property but this is only several times each year. The Council have not provided conclusive evidence as to why or whether specialist or clinical staff will need to visit (to contradict the appellant's case), and indeed most households are likely to have a variety of visitors from time to time, if not frequently.
10. The next door property (7 Whitburn Road) was granted an LDC in 2019 for a C3 use with a carer living in the property as his main residence. There is disagreement in the information before me as to how this property is now being used but this is not directly relevant to the appeal in this case.
11. Taking the Council's case at its highest, there could be up to 7 people at the property during a week day (if all of the children were being home-schooled) which is not an unexpectedly large number of people to be found in a 4 bedroomed family house. Whilst there would be one staff changeover a day this is not in itself enough to materially change the character of the property. The use of the office by the manager to deal with matters associated with the running of the property is also not materially different in terms of impact on the character of the house to the use of a room in a C3 dwellinghouse as a home office. Locks are not typically found in a C3 dwellinghouse but this will

not alter the external appearance of the property, or change the character of the property in the locality in a way which is material.

12. Whilst there will be some additional comings and goings associated with the use as a residential care home, there is no evidence before me to dispute the appellant's case that the use will not give rise to a greater level of disturbance than could be generated by the lawful use as a C3 dwellinghouse. The additional comings and goings identified by the appellant and Council are at a sufficiently low level so as to remain within the parameters of what could be usually expected of a family home and not therefore materially different so as to change the character of the property. Similarly the number of people who will be typically present at the property, and therefore the associated waste generated, is not significantly higher than could be expected with its current lawful use.
13. I have considered the previous appeal decisions provided to me by the parties but as each case turns on its own facts these are of limited assistance in assessing whether there would be a material change of use here. The appellant has provided sufficient information to show that on balance there would not be a significant difference in the character of activities at the appeal property from what has gone on previously.
14. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the proposed use as a home for up to three children or young people with up to two full-time resident carers working on a rota basis sleeping overnight was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

*Zoë Frank's*

INSPECTOR

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# Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192  
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2015: ARTICLE 39

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**IT IS HEREBY CERTIFIED** that on 17 March 2022 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

There would not be a material change of use.

Signed

*Zoë Franks*

Inspector

Date: [27 January 2023 ]

Reference: APP/C5690/X/22/3299351

## **First Schedule**

Use of premises as a home for up to three children or young people with up to two full-time resident carers working on a rota basis sleeping overnight.

## **Second Schedule**

Land at 9 Whitburn Road, LONDON, SE13 7UQ

IMPORTANT NOTES – SEE OVER

## NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.



# Plan

This is the plan referred to in the Lawful Development Certificate dated: [27 January 2023 ]

**by Zoë Franks Solicitor**

**Land at: 9 Whitburn Road, LONDON, SE13 7UQ**

**Reference: APP/C5690/X/22/3299351**

Scale: Not to Scale





## Appeal Decision

Site visit made on 17 February 2017

**by Katie Peerless Dip Arch RIBA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 28<sup>th</sup> February 2017**

**Appeal Ref: APP/E2205/X/16/3161037**

**The Cottage, Stonebridge Green Road, Egerton, Ashford TN27 9AP**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Parkview Care against the decision of Ashford Borough Council.
- The application Ref 16/01000/AS, dated 1 July 2016, was refused by notice dated 24 August 2016.
- The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought is as a C3(b) private dwelling.

### Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the extent of the matter constituting a proposed use which is considered to be lawful.

### Procedural matters

2. At the time the application was considered, the Planning Statement submitted with the application form noted that the house was intended for use by 4 young people, between the ages of 8 and 17, and their carers. However, the appellants' Appeal Statement refers to a maximum of 3 children and 2 adult carers and their submissions justifying the proposed use are based on this number. As this is the latest information submitted in support of the appeal, I have considered the merits of the case on this basis.
3. The appellants now appear to agree that this scenario would not constitute a 'household' as set out in Class C3(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended) (UCO) and as defined in Government Circular 8/2010. This Class is defined as not more than 6 residents living together as a single household where care is provided for residents.
4. A similar scenario to the appeal proposal was considered in the case of *North Devon District Council v First Secretary of State [2004] 1 P. & C.R. 38* which determined that children alone cannot form a 'household' and that if their carers do not live permanently at the property, the use would fall within Class C2 of the UCO. This is defined as use for the provision of residential accommodation and care, other than within a Class C3 use. Examples given are as a hospital, nursing home, residential school, college or training centre.

5. Nevertheless, a change to a new use class only requires planning permission to authorise it if it is material in planning terms. The appellants consider that, in this instance, a change from Class C3(a) to C2 would not be material and planning permission is not therefore required for the proposed use. I have considered the appeal on this basis.

### **Main Issue**

6. I therefore consider the main issue in this case is whether the proposed use is a material change from the lawful use as a single dwellinghouse falling within Class C3(a).

### **Site and surroundings**

7. The appeal site is a detached house with a generous garden in an enclave of other properties on the outskirts of the village of Egerton. At present it has 2 living rooms, a kitchen and a cloakroom on the ground floor and 4 bedrooms and 2 bathrooms on the first floor. An entrance drive leads to a garage and off street parking.

### **Reasons**

8. As noted above, the proposal is for the use of the property for a maximum of 3 young people between the ages of 8 and 17 who would live in the house under the care of 2 adults at all times, although the identity of the carers would change and the carers would not have the property as their main residence.
9. The Council relies on the report of the Officer who determined the application and this report concludes that the proposed use falls within in Class C2 and, given the findings of the judgement set out above, I concur with this view. However there is no assessment made in the report as to whether a change of use between Class 3(a) and Class 2 as described in this case would be material. To establish this, a comparison between the existing and proposed uses needs to be considered.
10. A house of this size could easily accommodate a typical family with 2, 3 or more children and 2 adults and it seems to me that the use of the house as a home for a maximum of 3 young people and their carers would not be materially different from the authorised use as a 4 bedroom family home. It is likely that there would be vehicle movements created by the carers coming to and leaving the site on a daily basis as they start and leave their shifts and journeys undertaken by the children when being taken to and from school. Nevertheless, I do not consider that the number of such movements is likely to be significantly more than those undertaken by a family and certainly not enough to result in an intensification of use that would give rise to planning concerns.
11. I have noted the village location and the lack of facilities available for young people in the immediate area, but again, there would be nothing to stop the property being occupied by a family, to whom the same concerns would apply.
12. The appellants will be required to comply with all relevant rules governing the accommodation for children in care and their full time supervision and, if the property can meet these regulations and the appellants can meet the staffing requirements, I see no reason why the use proposed would have any planning impacts that would cause it to be considered as a material change of use.

13. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the use of the property for a class C2 use for 3 children and 2 adults was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

*Katie Peerless*

**Inspector**

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## Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192  
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2015: ARTICLE 39

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**IT IS HEREBY CERTIFIED** that on 1 July 2016 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The use, whilst falling within Class C2 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (UCO), would not represent a material change from the authorised use of the site as a Class C3(a) dwellinghouse.

Signed

*Katie Peerless*  
**Inspector**

Date 28<sup>th</sup> February 2017  
Reference: APP/E2205/X/16/3161037

### ***First Schedule***

The use of the dwellinghouse within Class C2 of the UCO, for occupation by no more than 3 children and 2 adults at any one time.

### ***Second Schedule***

Land at The Cottage, Stonebridge Green Road, Egerton, Ashford TN27 9AP

## NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.

## Plan

This is the plan referred to in the Lawful Development Certificate dated: 28<sup>th</sup> February 2017

by **Katie Peerless Dip Arch RIBA**

**Land at: The Cottage, Stonebridge Green Road, Egerton, Ashford TN27 9AP**

**Reference: APP/E2205/X/16/3161037**

Scale: NTS

