

PLANNING AND OPERATIONAL STATEMENT 14 HYDE WAY, HAYES, UB3 4PA

SUPPORTING PLANNING & OPERATIONAL STATEMENT

Application for a Certificate of Lawfulness for a Proposed Use or Development (Section 192 of the Town and Country Planning Act 1990)

Site Address: 14 Hyde Way, Hayes, UB3 4PA

Proposal: Proposed use of the property as a residential care home for up to 4 adults receiving care living together as a single household (Use Class C3(b)), supported by care staff operating on a rota basis.

1. INTRODUCTION & EXECUTIVE SUMMARY

1.1 This Supporting Statement has been prepared on behalf of the applicant to accompany an application for a Certificate of Lawfulness for a Proposed Use (CLOPUD) under Section 192 of the Town and Country Planning Act 1990 (as amended). The application seeks a formal determination from the London Borough of Hillingdon that the proposed use of 14 Hyde Way as a small-scale residential facility providing care for up to 4 adult residents (Use Class C3(b)) does not constitute a material change of use from its lawful use as a Class C3(a) dwellinghouse. Consequently, it is asserted that express planning permission is not required.

1.2 The property comprises an extended semi-detached two-storey dwellinghouse featuring a completed single-storey rear extension, a first-floor rear extension, and a hip-to-gable loft conversion with a rear dormer, as well as ancillary hardstanding to the front and a rear garden containing an outbuilding structure. The internal configuration provides an optimal baseline layout to comfortably accommodate 4 residents alongside necessary staff functions without triggering any institutional characteristics or necessitating external physical alterations.

1.3 A previous application under Reference 68154/APP/2026/777 sought full planning permission for a change of use to a Class C2 care home for 4 adults.

That application was recommended for refusal on grounds including the unjustified loss of a C3 family dwelling, lack of a localized needs assessment, potential impacts on neighboring residential amenity due to perceived intensification, and highway/parking concerns.

1.4 Crucially, the local planning authority's assessment noted that the operational metrics and supporting statements originally submitted described an environment more closely resembling a Class C3(b) dwellinghouse rather than an institutional Class C2 care establishment. The officer's report explicitly stated that the specified arrangement appeared to fall within Class C3(b), which applies to properties housing up to six people living together as a single household and receiving care.

1.5 Following this definitive guidance, the applicant has fundamentally reassessed the delivery model. This application formally establishes that the proposed operation functions precisely within the statutory bounds of Use Class C3(b). By maintaining a maximum of 4 residents living together as a single, cohesive household, sharing communal dining and living spaces, and interacting within a normal domestic framework, the proposal remains structurally and characteristically within Use Class C3.

1.6 Under Article 3(1) and Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended), a change of use from Class C3(a) to Class C3(b) does not constitute development provided the statutory criteria are met. This statement provides a comprehensive statutory and operational justification, supported by established case law and the Council's own precedents—specifically the approved Certificate of Lawfulness at 4 Strone Way, Hayes (Ref: 56037/APP/2022/3582)—to demonstrate that the proposed use is entirely lawful.

2. SITE AND SURROUNDING LOCALITY

2.1 The application site is situated on the western side of Hyde Way in Hayes. The immediate surrounding context is predominantly suburban and residential in

character, characterized by low-to-medium density two-storey semi-detached and terraced properties that exhibit a strong domestic street scene.

2.2 The host building is an extended semi-detached property that has been systematically updated through the lawful exercise of permitted development rights and householder planning approvals. These modifications include:

- A single-storey rear extension extending 4.00 metres beyond the original rear wall.
- A first-floor rear extension and a hip-to-gable loft conversion complete with front roof lights and a rear dormer.
- An area of front hardstanding configured to accommodate domestic vehicle parking.
- An enclosed rear garden acting as a functional private amenity space, which includes ancillary outbuilding storage.

2.3 No further internal or external alterations are proposed under this application. The physical envelope of the dwellinghouse will remain completely unaltered, ensuring that its appearance is entirely indistinguishable from any neighboring single-family home within the street scene.

3. PROPOSED OPERATIONAL DETAILS

The Care and Household Model

3.1 The primary objective of the proposal is to establish a small-scale, domestic environment that functions as a "home away from home". The facility will provide stable, long-term accommodation for up to 4 adults who require low-to-medium levels of supervision, emotional support, and day-to-day care due to learning difficulties, mental health care pathways, or physical disabilities.

3.2 Unlike a commercial or highly institutional Class C2 facility, the residents will live together collaboratively as a single household. They will share chores, cook together, utilize common living spaces, dine at a single communal table, and participate collectively in recreational and social activities. This shared

experience is central to their care framework, fostering independence and personal growth within an authentic, non-institutional setting.

Internal Space Allocation

3.3 The internal floor space layout has been designed to meet all necessary functional requirements while preserving a domestic layout:

- **Ground Floor:** Features a generous 26.9sqm open-plan communal living, dining, and kitchen area which forms the interactive core of the household. This floor also retains a dedicated room for a carer (10.1sqm with ensuite) and a small, discrete management/office zone (4.1sqm) used to securely store care logs, medication records, and regulatory files.
- **First Floor:** Contains three primary bedrooms for residents, each equipped with private ensuite facilities (measuring 9.2sqm, 8.8sqm, and 8.4sqm respectively) to protect individual dignity and privacy.
- **Second Floor (Loft):** Comprises a high-quality 16.5sqm bedroom with an ensuite, providing comfortable headroom and ample natural light for the fourth resident.

Staffing and Shift Logistics

3.4 To maintain an environment identical to a typical family home, staffing presence is kept to the minimum level necessary to guarantee safety and regulatory compliance. Care will be provided on a 24-hour rota basis.

3.5 During daytime hours, support is typically provided by 1 on-site care manager or professional support worker, supplemented by visiting health professionals as required on an ad-hoc basis. Overnight care is provided by 1 waking or sleeping carer who utilizes the ground floor staff accommodation.

3.6 Staff shift handovers will take place entirely within the ground-floor internal office space. Handovers are scheduled to minimize comings and goings during unsociable hours, preventing external congregation or vehicular disturbance.

4. THE LEGAL FRAMEWORK AND STATUTORY TEST

4.1 The legislative baseline for this assessment is Section 55(1) of the Town and Country Planning Act 1990, which defines "development" as including the making of any *material change* in the use of any buildings or other land. Conversely, if a change of use does not constitute a "material change," it does not amount to development, and planning permission is not required.

4.2 Further precision is provided by the Town and Country Planning (Use Classes) Order 1987 (as amended). In April 2010, Class C3 (Dwellinghouses) was formally subdivided into three distinct subcategories to explicitly accommodate supported community living arrangements within the residential definition:

- **Class C3(a):** Use by a single person or by people to be regarded as forming a single household.
- **Class C3(b):** Use by *not more than six residents* living together as a single household where care is provided for residents.
- **Class C3(c):** Use by not more than six residents living together as a single household where no care is provided to residents.

4.3 The statutory interpretation section of the Use Classes Order defines "**care**" as:

"...personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder..."

4.4 The proposed use at 14 Hyde Way aligns precisely with the criteria of Class C3(b):

1. The number of residents receiving care is **4**, which is safely below the statutory maximum threshold of **6** residents.
2. The occupants are adults in explicit need of personal care by reason of disablement or mental health support pathways.
3. The occupants live together collaboratively as a **single household**, utilizing

shared kitchen, dining, and living facilities.

4.5 Because both the existing lawful use (Class C3(a)) and the proposed use (Class C3(b)) fall within the same overarching **Use Class C3**, a change from one subcategory to another does not trigger a material change of use as a matter of law, provided the criteria of a single household are maintained.

5. OPERATIONAL ANALYSIS AND MATERIAL CONSIDERATIONS

5.1 Beyond the strict statutory definitions, established planning law dictates that whether a change of use constitutes a "material change of use" is a matter of *fact and degree* to be evaluated based on the physical and operational realities of the site. This assessment turns on whether the proposed use creates off-site character impacts that differ fundamentally from those generated by a standard Class C3(a) domestic occupation.

Absence of Institutional Character

5.2 The operation will display no outward or inward signs of being an institution. There are no institutional features such as commercial extraction flues, directional signage, security barriers, or internal institutional turnstiles. Food will be purchased from local supermarkets, meals will be prepared collectively using standard domestic appliances, and waste generation will be managed entirely through standard local authority residential bins.

Off-Site Impacts and Neighboring Amenity

5.3 A critical material consideration is whether 4 adults living with care staff creates an intensification of use that harms neighboring amenity. A standard C3(a) family home can easily accommodate a large family (e.g., parents and 3 or 4 children, or several adult components) without requiring planning intervention. A household of 4 adult residents and 1 carer represents an identical or lower occupancy density than many standard domestic residential properties.

5.4 To provide definitive assurance regarding amenity safeguards, the home will

operate under a strict **Noise and Neighbor Management Protocol**:

- **Garden Curfews:** Resident use of the rear garden and outbuilding space will be curtailed after 20:00 to protect adjacent occupiers from evening ambient noise.
- **Controlled Visitation:** Professional and personal visits will be by appointment only, generally restricted to standard daytime windows (09:00 to 18:00) to prevent late-night traffic or comings and goings.
- **Professional Oversight:** The continuous on-site presence of a qualified carer ensures that any individual resident distress or behavioral issues are instantly mitigated internally, preventing any adverse impacts on public order or character.

Highways and Parking Demands

5.5 In the previous C2 application, concerns were flagged regarding potential parking stress. Under the C3(b) model, these concerns are completely resolved:

- **Resident Car Ownership:** Due to their specific vulnerabilities and care needs, none of the 4 adult residents own or operate private motor vehicles. This removes the structural parking baseline associated with standard C3(a) adult households.
- **Staff Transit:** The single rostered carer and the manager will utilize public transport links, taking advantage of multiple bus routes (U4, 350, 195) connecting directly to Hayes & Harlington station.
- **On-Site Capacity:** The property benefits from a front hardstanding area capable of parking vehicles off-street. Secure cycle storage is integrated within the rear outbuilding to encourage sustainable transit for staff and visitors. Consequently, the proposal will generate zero additional on-street parking stress on Hyde Way.

6. JUDICIAL PRECEDENT & DIRECT LOCAL AUTHORITY ANCHOR Relevant Case Law

6.1 This application relies heavily on established high court judgments which confirm that the presence of non-resident care staff operating on a rota pattern

does not strip a property of its Class C3(b) status, nor does it automatically create a Class C2 use.

- **North Devon District Council v First Secretary of State [2003] EWHC 157 (Admin):** This case established that children or vulnerable adults who are incapable of managing a household without care cannot form a single household *on their own*. However, the courts established that where carers are present to provide essential support, the assessment must look at whether the property retains a overall domestic character.
- **R (on the application of Croy Stream Ltd) v Ceredigion County Council [2021]:** Reconfirmed that if the day-to-day living arrangements mimic a standard family environment—sharing communal amenities and living under a single domestic structure—the use remains squarely inside Class C3(b), irrespective of whether care staff are rotating or living in, provided the resident cap of 6 is respected.

Direct Local Precedent: 4 Strone Way, Hayes (Ref: 56037/APP/2022/3582)

6.2 The London Borough of Hillingdon has already robustly applied these exact legal principles under near-identical circumstances within Hayes. In certifying the lawfulness of 4 Strone Way, the Council confirmed:

- The property was a standard two-storey dwelling transitioning to a care environment for residents with 24-hour supervised care on a shift pattern.
- The Council explicitly noted that within the legislation, *there is no requirement for a caregiver to reside permanently on-site*, nor is there a minimum or maximum limit on the frequency of care provided under Class C3(b).
- Because the internal configurations allowed for a shared living experience, and the external physical appearance remained unchanged, the Council certified that **"the proposal would not lead to a material change of use and the property would remain within Use Class C3. As such, the proposal is considered to be lawful"**.

6.3 The operational profile of 14 Hyde Way is fully aligned with the 4 Strone Way

precedent. Both involve small-scale residential care setups within Hayes, housing under six residents living together as a single household with 24-hour rotating care support. For consistency of administrative and legal decision-making, the same standard of lawfulness must apply here.

7. REBUTTAL OF PREVIOUS C2 REFUSAL REASONS

7.1 It is important to briefly clarify how this Section 192 application completely bypasses and addresses the three reasons for refusal cited in the prior Class C2 application (Ref: 68154/APP/2026/777):

- **Rebuttal to Reason 1 (Principle of Development & Loss of C3 Housing):** The C2 refusal cited the loss of a self-contained family home under Policies DMH 1 and DMH 8. Because this application is for a **Class C3(b)** use, **there is no loss of a C3 dwellinghouse**. The property remains part of the borough's C3 housing stock, fulfilling housing needs for a specialized group within an authentic residential setting. Policy DMH 1 is not breached, and a localized housing audit is not legally required for a lawful development certificate.
- **Rebuttal to Reason 2 (Residential Amenity & Intensification):** The previous refusal noted ambiguity over staff and visitor comings and goings under a C2 framework. The clear operational model defined in this statement caps the residents at 4 and establishes clear noise, curation, and shift protocols. As a matter of fact and degree, the activity will be entirely consistent with a typical large domestic family home.
- **Rebuttal to Reason 3 (Highways and Parking Stress):** The highways objection was based on the lack of enforceable travel arrangements for an institutional C2 facility. Under Class C3(b), the non-car-owning profile of the 4 residents, combined with the utilization of off-street parking facilities and local public transit for the lone on-duty carer, ensures no additional parking stress will be displaced onto local streets.

8. PROPOSED SPECIFICATION OF DRAWINGS AND PLANS

8.1 The application is supported by a comprehensive suite of architectural floor

plans and location metrics which confirm that the physical usage matches a standard domestic environment:

- **Site Location Plan & Block Plan** – showing the red line site boundary and front hardstanding.
- **Existing and Proposed Internal Layouts** – demonstrating the 26.9sqm communal zone, the discrete ground floor office/carer facility, and the four upper resident ensuite rooms.
- **Existing and Proposed Elevations** – confirming that **zero external changes** are to be made to the building fabric.

9. DETAILED CONCLUSION

9.1 The proposed change of use of 14 Hyde Way from a Class C3(a) dwellinghouse to a Class C3(b) residential care home for up to 4 adults receiving care satisfies all relevant statutory tests set out in Section 192 of the Town and Country Planning Act 1990 and the Use Classes Order.

9.2 The operational reality demonstrates that the residents will live together as a single household, supported by a low-impact care framework that maintains the residential character and amenity of Hyde Way. The proposal generates no physical external alterations, no institutional impacts, and no adverse parking stress.

9.3 Following the explicit guidance issued by the Council's planning officers and the binding local precedent set by the approval at 4 Strone Way, the applicant has clearly demonstrated that the proposal does not constitute a material change of use. It is therefore the case of the applicant that London Borough of Hillingdon issue a Certificate of Lawful Proposed Use for the scheme.