

Delegated Application Report

Application number: 230797

Address: 7 Glennon Close, Reading, RG30 3HT

Case Officer: Mr David Brett

Proposal: Certificate of Lawfulness for proposed use as a Residential Childrens Care Home for up to 2 children looked after by 3 staff (C3(b) Use Class)

Received on: 09/06/2023

Valid from: 05/07/2023

Target Decision Date: 10/10/2023, extension of time on decision agreed from 30/08/2023

Site Description and Surrounding Area

The proposal site consists of a two-storey semi-detached dwelling on Glennon Close, off Hatford Road. The surrounding area is considered predominantly residential with a mix of family sized dwellings, with a three-storey block of flats at 186 Hatford Road.

The proposal site is not listed or located within a Conservation Area.



Fig 1. Front of 7 Glennon Close. Image retrieved from Google Maps on 10/10/2023. Image captured in November 2022.

An accompanied site visit was carried out on 29/09/2023.

Proposal

This Certificate of Lawfulness application seeks the change of use from a dwelling to a childrens residential care home.

- 2 children aged 7 years to 17 years would be looked after at the premises
- 3 residential care home staff (carers) would be present providing support, working in shifts. With changeovers occurring at 9am and 9pm.
- No external alterations are proposed.

Plans Submitted

The applicant supplied the following;

- Location Plan
- Site Plan Scale 1-1250
- ~~Planning Statement/Covering Letter~~
- Existing Floor Plans
- Block Plan Scale 1-500

Received on 09/06/2023

- ~~Planning Statement/Covering Letter~~

Received on 27/06/2023

- Planning Statement/Covering Letter

Received on 25/09/2023

Relevant Planning History

220976/FUL - Change of Use from a 3 bedroom private dwelling to a C2 Registered Childrens Home. - Application Withdrawn on 31/01/2023

152311/CLP - Certificate of lawfulness for proposed single storey side extension and loft conversion with rear dormer - Application Permitted on 18/02/2016

Summary of Consultations

No formal consultations were undertaken for this case as they would be of no consequence in the determination of an application of this type. The decision for this case will have to be based solely on The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) as amended. Reference is also made to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

Relevant Planning Policy and Guidance

National Planning Practice Guidance

The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)

Town and Country Planning Act 1990 (as amended); Section 192 and Section 55 (2) (f)

The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020

Appraisal

A Certificate of Lawfulness for a change of use class from C3 to C2 (residential care home) has been submitted to the Local Planning Authority as the applicant considers the proposed change of use does not require planning permission.

Use Class C3 (Dwellinghouses) is defined as follows under the Town & Country Planning (Use Classes) Order 1987 (as amended):

- Use as a dwellinghouse (whether or not as a sole or main residence) by—
 - o (a) a single person or by people to be regarded as forming a single household;
 - o (b) not more than six residents living together as a single household where care is provided for residents; or
 - o (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).

Use Class C2 (Residential Institutions) is defined as follows under the Town & Country Planning (Use Classes) Order 1987 (as amended):

- *Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).*
- *Use as a hospital or nursing home.*
- *Use as a residential school, college or training centre.*

The Use Classes Order specifies classes for the purposes of Section 55(2)(f) of the 1990 Act, which provides that a change of use of a building or other land does not involve development for the purposes of the Act if the new use and the former use are both within the same specified class.

Subject to the following provisions of this section, in this Act, except where the context otherwise requires, “development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

However, the Use Classes Order should not be interpreted as meaning that some change between use classes is necessarily development within the meaning of Section 55(1) of the 1990 Act. The key issue is whether the change is ‘material’¹.

Section 55 (2) (f) of the Town and Country Planning Act 1990 (as amended)

- ***Meaning of “development” and “new development”***
- *(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land-*
 - *(f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.*

In this instance, no external alterations are proposed at the site so the consideration is whether the *use* of the site as a residential care home is materially different from the use of the site as a dwelling.

The applicant has provided details of the existing Class C3 use of the premises. The dwelling is currently occupied by a single family. As existing, the internal layout of the dwelling comprises a living room/kitchen, dining room, kitchen/breakfast room, and living room to the ground floor. The first floor consists of five bedrooms and two bathrooms.

The applicant has provided details as to the occupancy of the proposed residential care home, along with the likely comings and goings from the site, staff levels, and details of occupancy. The application form provides the following information concerning the occupancy of the proposed residential care home:

- 2 children aged 7 years to 17 years.
- 3 residential care home staff (carers)

¹ <https://planningjungle.com/wp-content/uploads/3300634-Appeal-Decision-Notice.pdf>

There are a total of six occupants proposed for the residential care home. Use Class C3, as defined in the Town & Country Planning (Use Classes) Order 1987 (as amended), states that a dwelling house consists of no more than six residents living together as a single household where care is provided for residents. Specifically, this is in reference to Use Class C3(b).

- **Class C3. Dwellinghouses**
- Use as a dwellinghouse (whether or not as a sole or main residence) by—
 - o (a) a single person or by people to be regarded as forming a single household;
 - o (b) not more than six residents living together as a single household where care is provided for residents; or
 - o (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).

In this instance, the number of occupants reflects that of a C3 dwelling, however, the focus is more towards providing care and support. The Planning Statement makes clear that the carers would not be residents living on the premises on a permanent basis. A changeover of staff will take place, however, a changeover between three members of staff is not considered materially different to the carrying out of day-to-day activities as a household.

Visiting professionals are to visit the site by appointment, however, this is considered unlikely to result in harmful levels of on street parking or compromise highway safety. The proposal site also benefits from sustainable alternative methods of transport, being close to the number 26 bus route along Southcote Lane. Southcote Lane is also cycle route R60.

With regards to defining the use within the Use Class Order, the proposed use would have no more than six residents living together as a single household where care is provided to residents. The persons in care and the carers would share all share communal facilities such as the living room and kitchen. As there is a presence of carers within the property on a constant basis, the property would act as a single household. The level of care and support provided will be on a case-by-case basis, with the care home supporting children with varying levels of Emotional and Behavioural Difficulties (EBD). It is considered that the needs and requirements of two EBD children can be provided for within the use proposed, with the family home considered appropriate to facilitate the level of care and support.

It is acknowledged that the core objective of this scheme is to create an environment for families and children that resembles a traditional family home, complete with everyday amenities, while also incorporating an element of care and supervision. It is considered that the proposed use falls to be classified as C3(b) dwellinghouse. This is reflected in the name of the proposed use as an “assessment centre”.

There is nothing to suggest within the applicant’s description of the use of the property as a house for vulnerable children that there would be a material difference from a dwelling inherent within the use. The behaviour of individual residents is not a Planning matter in much the same way as any other family dwelling. The description of the use

and likely comings and goings is considered similar to that of a family home and within the scope of C3(b). Scheduled visits from professionals are considered unlikely to result in harmful levels of noise and disturbance or would appear anymore out of place than a social visit to a family home. No external alterations are proposed with 7 Glennon Close continuing to appear as a residential property.

Recommendation

It can be confirmed that the use of 7 Glennon Close as a Residential Childrens Care Home for up to 2 children looked after by 3 staff (C3(b) Use Class) would be lawful for planning purposes on the basis of site location plan received on: **9th June 2023**.

Sufficient evidence has been provided to demonstrate that a Certificate of Lawfulness should be granted for the proposed use.

Informatives

