

DELEGATED APPLICATION REPORT

Ward: Norcot

App Ref: 230205/CLP

Address: 63 Honey End Lane, Reading, RG30 4EL

Proposals: Proposed change of use to care home

Case Officer: Beatrice Malama

Applicant: Victoria Mcharo

Date received (valid from): 17 February 2023 **Agreed Decision date:** 27 April 2023

1. Site Description

The application site is a bungalow located at the junction of Honey End Lane and Cockney Hill. The property is a dwelling house surrounded by dwelling houses of different types. The wider area comprises of mixed use developments of varying sizes. The property is not listed and does not fall within a Conservation Area.

2. Proposal and Supporting Information

This Certificate of Lawfulness application seeks the change of use from a dwelling house (class C3) to an adult care home (Class C3(b)). The subject property is proposed to provide accommodation for three persons in need of care. No physical alterations to the building have been proposed as part of this application.

Plans and documents considered:

Location Plan - 63 Honey End Lane, Reading, RG30 4EL received on 17 February 2023

Application form received on 17 February 2023

Planning Statement dated February 2023 received on 17 February 2023

Email from Agent received on 20 April 2023

3. Relevant Planning History

None

4. Consultations

No consultations are required for this type of application. Determination of the application is 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.

5. 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

6. Appraisal

A Certificate of Lawfulness for a change of use class within Class C3 has been submitted to the Local Planning Authority as the applicant considers the proposal falls within the permitted development rights of the property and would be lawful by virtue of the GPDO and thus would not require a planning permission.

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. **Complies**

In accordance with Section 55 (2) (f) of the Town and Country Planning Act 1990 (as amended) the change of use is lawful as both uses are (with reference to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) within the same use (Class C3) and therefore the change of use does not constitute development in line with Section 55 of the Town and Country Planning Act 1990 (as amended).

Use Class C3 comprises:

Use as a dwelling house (whether or not as a sole or main residence) by;

*(a) a single person or by people to be regarded as forming a single household; **Complies***

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

The definition of “care” in this context is as follows:

“Care” means 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

The agent confirmed via email received on 20 April 2023 as follows:

- *The property is a 3-bedroom bungalow. It is a single dwelling and will remain the same*
- *There will be carers working to support the resident or residents. The carers will be coming and going to the property and will not be living there themselves. It will be as a single dwelling living as a household.*

The above confirms that the proposed change of use falls under Class C3 (b) and therefore the proposed change of use **Complies**

*(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) **n/a.***

7. Recommendation

The proposal has been assessed against Section 55 (2) (f) of the Town and Country Planning Act 1990 (as amended) for the change of use from C3 to C3(b) and is lawful as both uses fall within the same use (with reference to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) and therefore the change of use does not constitute development in line with Section 55 of the Town and Country Planning Act 1990 (as amended).

It can be confirmed that the proposed change of use from C3 to C3(b) would be lawful for planning purposes within use Class C3 on the basis of site location plan, planning statement and received on 17 February 2023 and email received from the agent on 20 April 2023. Sufficient evidence has been provided to demonstrate that a Certificate of Lawfulness should be granted for the proposed use.