

Delegated Application Report

Address: 505 Basingstoke Road

Application No: 210314/CLP

Proposal: Certificate of Lawfulness for change of use from Use Class C4 to C3(b) (amended)

Case Officer: Connie Davis

Target Date: 21/04/21

Introduction and Proposal

The application site is a two-storey semi-detached property located on the corner of Basingstoke Road and Hartland Road. The surrounding area is residential.

A lawful development certificate is applied for to confirm that the change of use from C4 to C3(b) would be lawful.

No external alterations are proposed; this certificate is concentrated to the use of the building.

Plans Submitted

The agent supplied the following:

LOC 02 - Location Map

20/038/04 - Ground Floor Plan

20/038/03 - 1st Floor Plan

Application Form

Received 24th February 2021

Email from agent, received 12th April 2021

Relevant Planning History

210096/FUL - Proposed change of use to C4 (residential institution) - Application Closed

200585/HOU - Double storey side extension including alterations - Application Permitted

Summary of Consultations

No consultations were undertaken as it is not required for an application of this type.

Relevant Planning Policy and Guidance

National Planning Practice Guidance

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

Assessment

A Certificate of Lawfulness for a proposed development has been submitted as the applicant considers the proposal falls within the permitted development rights of the property.

From a planning history search, the property was a C3(a) single family dwellinghouse which has since been converted to C4 use (small HMO). The change of use from C3 to C4 is classified as Permitted Development falling under Class L, Part 3, Schedule 2 of the General Permitted Development Order (2015). Properties within the C4 use class can revert back to a C3 use at any time (providing permitted development rights have not been removed) under the aforementioned class of the GPDO. There is no evidence to suggest the property does not have such permitted development rights removed.

The C3 use class is sub-divided into a, b and c. Use class C3(b) involves a property that ***would not be used by not more than 6 residents living together as a single household (including a household where care is provided for residents)***. The GPDO allows from C4 to change to C3, and does not limit this to specifically a, b or c.

As such, the main consideration is that the proposed use would fall into the C3(b) category. The agent has provided the following information to support their case:

- The building is to be used by Chiron Care which runs a Residential Care. Chiron Care (UK) Ltd is a new health and social care company committed to supporting younger adults with a diagnosis of mental illness, Learning Disability, Autism and other developmental disorders on their journey to recovery.
- The property has 6 bedrooms with en-suites and a shared bathroom on the ground floor. The property would house 6 occupants.
- Residents have access to a garden and consultation / therapy room.
- The open planned lounge and kitchen facilities are shared. Depending on their care needs, staff are available 24 hours daily to assist residents with all their care needs in-house or out in the community.

Based on the above information, it is considered that the proposed use would fall within use class C3(b) as care would be provided for no more than 6 residents, living as a single household by sharing main facilities. As such, the proposed change of use is considered to qualify as permitted development.

Recommendation

The proposal has been assessed against the Town and Country Planning Act 1990 (as amended) and Class L, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. It can be confirmed that the proposed operation would be lawful for planning purposes on the basis of the following drawings/documents:

LOC 02 - Location Map

20/038/04 - Ground Floor Plan

20/038/03 - 1st Floor Plan

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Sufficient evidence has been provided to demonstrate that a Certificate of Lawfulness should be granted for the proposed change of use from C4 to C3(b). Therefore, the Local Planning Authority can issue the applicant with a Certificate of Lawfulness for the proposed development.

Informatives

Terms

External alterations require planning permission

1:1250 Location Plan (Not to scale)

