

DELEGATED APPLICATION REPORT

Ward:

App Ref: PL/25/1344 Lawful development: Proposed use

Address: 4 DOWNSHIRE SQUARE, READING, RG1 6NJ

Proposal: The use of the existing dwellinghouse for purposes within Class C2 of the Use Classes Order for occupation by no more than 3 children and 3 adults at any one time.

Applicant: Mr Peter Licourinos

Received date: 23/09/2025

Target Decision date: Originally 18/11/2025; extension of time agreed until 21/11/2025

Case Officer: Catrin Davies

1. SITE DESCRIPTION

The site relates to a detached bungalow located on the eastern side of Downshire Square. The site is within the Downshire Square Conservation Area and is also located within an Air Quality Management Area. The property has a large (wide) rear garden and detached garage to the south of the site. It is one of the widest plots in this part of the conservation area. The area is predominantly residential, featuring large detached and semi-detached properties and the Grade II listed All Saints Church is to the north at the top of the Downshire Square Road. There is a wide variety of design styles, although most properties remain unaltered.

2. PROPOSAL AND SUPPORTING INFORMATION

The Certificate seeks to establish that a material change of use is not occurring from the lawful use of the site as a dwellinghouse, to a children's home for 3 children receiving care and with 3 carers.

The proposal is for up to 3 children aged between 5 and 16 years of age to live at the property. Whilst the duration of the stay for children will vary depending on the needs of the individual child, it is anticipated that the property would be the long-term home for the children with a minimum stay of one year. The property would be the children's primary living accommodation, for the duration of their stay.

In terms of staffing, there will be a rota system with no more than 3 members of staff at the property at any one time. The rotas are planned to ensure minimal changes for children and a consistent 'parent' group. Once the staff member arrives in the home, they do not leave for at least a 12 hour period, which reduces staff movement in and out of the home.

The changeover period occurs between 10am and 10pm. Staff are employed to work a 40-hour week and will follow the set shift pattern accordingly. Handover periods may lead to a temporary increase in staff numbers at the property, however, the parenting group would then revert back to the norm; as detailed elsewhere in this statement. There is off-road car parking at the property with 4 spaces provided on site via the existing driveway.

No external changes are proposed.

The application originally sought to establish that the proposal would be within Class C3(b). However, as will be discussed below, the proposals are instead considered to fall within Class C2. As such, the description was changed during the course of the application to reflect proposed C2 use.

Planning History:

PL/94/0738	Full planning permission	4 Downshire Square Reading RG1 6NJ	Erection of a garage.	Decision Made	
PL/23/0941	Full planning permission	4 Downshire Square Reading RG1 6NJ	Part demolition of existing dwelling, first floor roof extension and subdivision into 2 dwellings, including altered access, landscaping and new front wall.	Decision Made	Refuse
PL/22/1576	Householder planning permission	4 Downshire Square Reading RG1 6NJ	The demolition of the single storey side extension, relocation of the dwelling rear door, creation of a new vehicular access and parking area to the north part of the site, with vehicular turntable, existing vehicular access blocked up, replacement low brick wall and piers with metal railings and central front gate to house, including external and landscaping works.	Decision Made	Approve
PL/19/1358	Full planning permission	4 Downshire Square Reading RG1 6NJ	Erection of new building comprising 9 flats following demolition of existing bungalow and detached garage	Decision Made	Refuse
PL/20/0571	Full planning permission	4 Downshire Square Reading RG1 6NJ	Demolition of existing dwelling house and large detached garage and erection of new building comprising of 3 townhouses and 2 flats	Decision Made	Refuse
PL/21/1416	Full planning permission	4 Downshire Square Reading RG1 6NJ	Erection of 1 x detached and 2 x semi detached dwellings following demolition of the existing bungalow and detached garage.	Decision Made	Refuse

Information submitted:

Planning statement prepared by ET Planning
Appendix 1 – 136 Wantage Road, Reading DN
Appendix 2 – 254 Old Worting Road DN
Appendix 3 – 38 Impstone Road DN
Appendix 4 – Cap D'or DN
Appendix 5 – Willow Brae DN
Appendix 6 – Woodside Farm DN

Appendix 7 – Tarnwell DN
Appendix 8 - Silver Birches DN
Appendix 9 – Burney Bit DN
Appendix 10 - APPK2420X112155849 Appeal Decision
Appendix 11 – Childrens Home Ministerial Statement

3. CONSULTATIONS

Legal: Do not consider the proposals to fall within Class C3(b); instead considered to be Class C2. However, do not consider that a material change of use has occurred and certificate can be granted.

Equality Act 2010:

In determining this application the Council is required to have regard to its obligations under the Equality Act 2010. However, there is no indication or evidence (including from consultation on the application) that the protected groups identified by the Act have or will have different needs, experiences, issues and priorities in relation to this particular planning application. Therefore in terms of the key equalities protected characteristics it is considered there would be no significant adverse impacts as a result of the development.

4. LEGAL AND PLANNING POLICY CONTEXT

National Planning Practice Guidance 2014 onwards
The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)

5. APPRAISAL

In submission of this application, the applicant seeks to establish whether the development would be lawful without the need for planning permission from the Local Planning Authority.

The current lawful use of the site is considered to be Class C3 with no change of use being approved by the Local Planning Authority. The consideration is, therefore, whether the proposed children's home falls into either a Class C3(b) (dwellinghouses) or Class C2 (residential institution) use.

A material change of use from Class C3 to C2 amounts to development requiring planning permission. There is therefore a potential requirement for planning permission to use a dwelling house as a children's home. If it is considered that the proposal falls within Class C2, then the next consideration is whether the change from C3 to C2 is a material change of use.

Use Class C3 (dwellinghouse) under The Town and Country Planning (Use Classes) Order 1987 (as amended) is formed of three parts:

- (a) a single person or by people to be regarded as forming a single household;
- (b) not more than six residents living together as a single household where care is provided or residents;
- or
- (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) under The Town and Country Planning (Use Classes) Order 1987 (as amended) which is:

- 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.

"Care" is defined within the Order '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', and in Class C2, also includes the personal care of children and medical care and treatment.

The starting point is first to establish as a matter of fact and degree, whether such a use would constitute a change of use from C3 to C2. The issue largely centres on whether or not the children are in themselves capable of living together as a single household:

- Class C3 (b) of the Town and Country Planning (Use Classes) Order as amended refers to "use as a dwelling house by not more than six residents living together as a single household, (including a household where care is provided for residents)."

If a children's home was being run on this basis, with children being looked after by a permanent occupant of the dwelling, there would be no requirement for planning permission. However, the matter is less clear when the care is based on shift patterns. In the North Devon District Council [2003] case Justice Collins made the point that that children:

"need to be looked after. They cannot run a house. They cannot be expected to deal with all the matters that go to running a home ... children are regarded as needing full time care from an adult, someone to look after them, someone to run their lives for them and someone to make sure that the household operates as it should."

The North Devon judgement confirms that it is unrealistic to expect children to look after themselves in a single household. It also clarified that carers who provided 24 hour care but were not resident could not be regarded as living together in a household. The concept of living together as a household means that a proper functioning household must exist and children and carer must reside in the premises. In such circumstances, the use cannot therefore be considered to fall within Class C3 (b). A children's home run on shift patterns could not be considered to fall within Class C3 (a), because clearly, this is not occupation of a dwelling house by a single person or people living together as a family. Equally, C3(c) distinguishes groups of people living together as a single household, which could for example include people with lodgers, or student accommodation for up to six individuals. Children's homes based on shift patterns would not be considered to fall into these criteria either.

Given there would not be a permanent adult occupant of the dwelling, it is therefore considered the site would fall with Use Class C2; however, even though the site falls within C2 this wouldn't necessarily mean planning permission is required it would depend on if there has been a material change. If there is no material difference in activity to that which may be anticipated in the case of a conventional residential use, it may be that no material change of use has occurred. Therefore, if the premises have the look and character of a conventional residential dwelling, and the use gives rise to no greater level of disturbance or amenity effects than could be generated by a C3 use, then no material change of use would have occurred.

The consideration of whether or not a material change of use has occurred is a matter of fact and degree in each individual case. To establish, a comparison between existing and proposed uses needs to be considered.

As noted above, the proposal is for the use of the property for 3 young people between the ages of 5 and 16 who would live in the house under the care of 3 adults at all times, although the cares would change and would not have the property as their main residence.

No.4 Downshire is a 6 bedroom detached bungalow, with parking for 4 cars. The size could easily accommodate 6 persons and would be similar to that of a traditional set up.

The rotas are planned to ensure minimal changes for children and a consistent 'parent' group. Once the staff member arrives in the home, they do not leave for at least a 12 hour period. The changeover period occurs between 10am and 10pm. Handover periods may lead to a temporary increase in staff numbers at the property, however, the parenting group would then revert back. The staff would operate and run the dwelling as a family home, including cooking and cleaning and taking the children to school associated with a typical family home. Carers would not be playing a professional role, such as in a medical or teaching capacity and are purely for supervisory means similar to a parent in some respect. A site visit took place on 22/11/2025 and internal alterations are underway, these alterations do not change the layout from that of a C3 dwelling as there would still be the same expected communal areas (living room, kitchen, study).

It may that there would be vehicle movements created by the carers coming to and leaving the site on a daily basis at the start and end of shifts, and journeys undertaken to and from school. However, it is not considered that the number of such movements is likely to be significantly more than those undertaken by a family – and noting different households live their lives in different ways and may include working irregular hours and receiving support from other family members - and not enough to result in an intensification of use that would give rise to unacceptable planning concerns.

As above, no external alterations are proposed, and the property would remain residential in character and appearance.

It is noted there is potential for noise, however, similar to that under the Brecon Beacons National Park Appeal (APP/P9502/X/12/2205394) while some of the children may make more noise than other children in a typical family dwelling, the overall number of children is small therefore not considered to be material. It has a substantial garden area but again, no evidence that it would result in disturbance that would be out of keeping with that which could reasonably be expected of a domestic family residence.

The existing residential property is large enough to comfortably accommodate 3 children and 3 carers, in a similar situation to a household. The children would be attending school and local facilities, the characteristics and operations of the site would be similar to that of a C3 use, including day to day traffic movement. It is not considered that the vehicle movements or noise would be materially different to that of a C3 use (dwellinghouse). As such it is not considered that the proposal would affect or change the amenity of the local area.

For the avoidance of doubt, the proposals are not considered to be Class C3(b) of the UCO but are instead considered to be Class C2. However, it is not considered to be a material change of use. The Council's Legal team have reviewed the application and support this view, with no evidence to suggest otherwise.

6. RECOMMENDATION

GRANT CERTIFICATE

The proposal is not considered to constitute a 'household' as set out in Class C3(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended). As the proposed carers would not live permanently at the property, the use would fall within C2 of the UCO. Further to the above assessment, and on the evidence available, the change from C3(a) to C2 is not considered to be a material change that requires planning permission.

As such, the development is considered lawful, and a certificate of lawful development can be issued.



Location Plan