

Application for a Certificate of Lawful Use

18 Monck Court, Southcote Road, Reading, Berkshire RG30 2AF

Under Section 191-193 of the Town and Country Planning Act 1990

1. Pre-Planning Application

This Application is for a Certificate of Lawful Use pursuant to Section 191-193 of the Town and Country Planning Act 1990 (as amended). The application seeks confirmation that the proposed use of the above-mentioned flat as supported accommodation for 1 to 2 young people aged 16 to 17 falls within Use Class C3 (Dwellinghouse) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and does not require a grant of planning permission.

2. The Proposed Use

The flat is proposed to be used as a home for 1 to 2 young people aged 16 to 17 years old in accommodation, promoting independent living. The key characteristics

of the proposed use are as follows:

- The flat will be occupied by no more than 2 young people at any one time.
- Each resident will hold their own licencing agreement, establishing the flat as their primary home.
- Support will be provided on a floating/visiting basis. Support workers will attend the property at scheduled times during the day but will not reside at or remain overnight at the property.
- There will be no resident member of staff, warden, or live-in carer at the property.
- The property will not be managed as an institution. Residents will retain autonomy over their daily lives consistent with any age-appropriate support arrangements.
- The physical character and appearance of the flat will remain that of a residential dwelling. No external alterations, signage, or institutional fittings are proposed.

3. Ofsted Registration

The applicant has made direct enquiries with Ofsted regarding the proposed premises and its registration as supported accommodation. Following those discussions, Ofsted confirmed that the guidance provided by them is silent on Use Class type. The absence of a Use Class change requirement by the regulator is a material consideration in the applicant's view. This indicates that the proposed use does not impact the institutional characteristics associated with this supported accommodation and the registration with its regulator.

4. Planning Policy and Use Class Analysis

a. Use Class C3 – Dwellinghouse

Use Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) encompasses the use of a property as a dwellinghouse by a single person, a family, or no more than 6 residents living together as a single household. Class C3(b) expressly includes use by not more than 6 people living together as a single household and receiving care.

The proposed use falls squarely within Class C3(b). The occupants (1 to 2 young people) will live together as a single household and will receive support from visiting workers. The occupation will be their home, not a temporary or managed institutional placement.

The care being delivered is primarily providing support in life skills leading to independent living for the occupants.

b. Distinction from Use Class C2

Use Class C2 covers residential institutions providing care, including children's homes and care homes where residents are managed within an institutional setting, typically with 24-hour on-site staffing and institutional oversight of the premises.

The proposed use does not exhibit the defining characteristics of a C2 use. There is no 24-hour on-site care, no resident staff member, and no institutional management of the building. The decision in ***Panton v Secretary of State for the Environment, Transport and the Regions [1999]*** and subsequent case law confirms that the key test is whether the property functions as a home for its occupants or as an institution.

In accordance with the decision of Panton, *"Where there was evidence of an accrued established use capable of giving rise to the right to an established use certificate ..., such a right could only be lost by abandonment, the formation of a new planning unit or by material change of use"*.

There is no material change in use. The flat will function as a home. The young people will be its residents, not patients, clients, or managed occupants of an institution. Support workers will visit as professionals attending a private home, not as staff operating a care facility.

5. Character of the Neighbourhood

The property is located on Southcote Road, a residential area of Reading, Berkshire. The proposed use is consistent in character and scale with the surrounding residential uses. There will be no increase in activity, noise, or disturbance beyond that which would be expected from a private residential dwelling. The use will be indistinguishable from the external appearance and day-to-day character of any other occupied residential flat in the area.

6. National Planning Policy Framework

The National Planning Policy Framework (NPPF) supports the provision of a wide range of housing to meet the needs of the community, including specialist and supported housing for vulnerable groups. The proposed use contributes positively to the supply of suitable accommodation for looked-after young people and care leavers

in Reading, consistent with the objectives of local and national policy to support young people in moving toward independent living.

7. The Reading Local Housing Needs Assessment (July 2024)

The Council's own evidence base supports the need for this type of provision. The Reading Local Housing Needs Assessment (July 2024), prepared by Opinion Research Services on behalf of Reading Borough Council, identifies that over 4,200 households in Reading are currently living in unsuitable housing and unable to afford their own accommodation, including households that are homeless or in temporary accommodation.

The assessment also identifies suppressed household formation among young people as a component of unmet housing need in Reading, noting that younger people are forming independent households at a later age and that increasing suitable provision to enable earlier household formation is a policy objective. The proposed use directly addresses both identified needs by providing suitable, affordable accommodation for young people who would otherwise have no pathway to independent living in the Borough.

8. Conclusion

For the reasons set out above, it is respectfully submitted that the proposed use of the flat as supported accommodation for 1 to 2 young people aged 16 to 17, with floating/visiting support, falls within Use Class C3(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and does not constitute a material change of use requiring planning permission.

The key factors supporting this conclusion are:

- Occupation by no more than 2 young people living as a household;
- Floating/visiting support only – no resident or overnight staff;
- Ofsted have confirmed that a change in Class Use of the accommodation for supported living to semi-independence is not something they ask for and nothing is stated in their guidance about this;
- The use will be functionally and externally indistinguishable from a private residential dwelling;
- The use does not exhibit the institutional characteristics of a Use Class C2 use.

A Certificate of Lawful Use is respectfully requested confirming the lawfulness of the proposed use.

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