

Officer's Report

Application Number	HGY/2022/4241
Type	Lawful development: Proposed use
Location	30 Nursery Street, Tottenham, London, N17 8AP
Proposal	Certificate of Lawfulness for proposed change of use from C3 (Dwellinghouse) to C2 (Residential institutions) to provide a care home for 2 children aged 11-18.
Case Officer	Laina Levassor
Valid Date	28/11/2022
Applicant	Mr Aitch Henry Doswell
Agent	Mr Chris Loon

RECOMMENDATION

Refuse

PLANNING HISTORY

The planning history of the site has been taken into account when coming to this decision.

RELEVANT PLANNING LEGISLATION

The application has been made under section 192 of the Town and Country Planning Act 1990 and relevant amendments. This is not a planning application but instead the applicant seeks confirmation that the proposed development is lawful.

PROPOSED DEVELOPMENT

This application seeks to confirm that the proposed change of use from a single family dwelling (Use Class C3) to a care home for 2 children (Use Class C2) is considered lawful.

ANALYSIS & ASSESSMENT

The change of use of land or buildings will require planning permission where it is considered the change would constitute a material change of use. There is no statutory definition of a 'material change of use' however, considerations are given to the significance of proposed changes and the resulting impact on the use of the building. Such considerations as to whether a material change of use is proposed, is determined on the individual merits of a case.

It is considered that the change of use of a residential property to a care home would alter the character of the existing use where taking into account the material considerations which may arise as a result. It is considered that the proposed use is not incidental or adjacent to the function of a typical residential dwelling therefore issues such as but not limited to - movement of persons attracted to the property to facilitate its operation as a care home, resultant parking needs/pressures within a CPZ and the loss of a family house within a family housing protection zone would arise, would amount to a material difference use thereby requiring planning permission.

CONCLUSION

For the reasons set out above, it is not considered the proposed change of use would not amount to development and requires planning permission.

REASONS FOR REFUSAL

The proposed change of use is considered to amount to development requiring planning permission.

