

Officer's Report

Application Number	HGY/2023/0050
Type	Lawful development: Proposed use
Location	12 Black Boy Lane, Tottenham, London, N15 3AR
Proposal	We consider that a Lawful Development Certificate should be granted for this proposal as we are delivering a regulated service to the community, reduce risk to self and others, increasing job opportunities and providing a safe and stable environment, where young people can address past traumatic experience, develop independent skills while making the transition from adolescent to young adults.
Case Officer	Zara Seelig
Valid Date	09/01/2023
Applicant Agent	Mr Moxie Gibson

RECOMMENDATION

Refuse

PLANNING HISTORY

There is no relevant planning history of the site.

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) operating within the Housing and Children's Act 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, 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 materially difference use thereby requiring planning permission.

Additionally, to note: The proposed floor plan is labelled as an HMO and there is no designated area for staff accommodation shown on the floor plans. The habitable rooms are labelled as Lettings 1 – 5 with a highlighted shared area. The site is covered by an article 4 direction removing the right to convert a dwelling to an HMO under permitted development.

CONCLUSION

For the reasons set out above, it is considered the proposed change of use would amount to development and requires planning permission.

REASONS FOR REFUSAL

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