

Officer's Report

Application Number	HGY/2023/0714
Type	Lawful development: Proposed use
Location	12 La Rose Lane, Tottenham, London, N15 3AR
Proposal	Certificate of Lawfulness for the proposed use of the property as a home with less than six people living together in a supported living accommodation with minimal staffing support within the C3(b) Use Class.
Case Officer	Zara Seelig
Valid Date	05/05/2023
Applicant	Mr Moxie Gibson
Agent	

RECOMMENDATION

Refuse

PLANNING HISTORY

HGY/2023/0050 - Application for a Certificate of Lawfulness for the use of the property as a care home with in the C3(b) Use Class. Refused.

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 home with less than six people living together in a supported living accommodation with minimal staffing support.

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 home with less than six people living together in a supported living setting with minimal staffing support 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 still labelled as an HMO as per the previous refusal 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. The proposal remains largely the same as that previously refused.

REASONS FOR REFUSAL

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

Refusal Reasons:

The applicant has not produced clear, precise and unambiguous evidence to support their claim that the proposed use would fall within the C3 Use Class.