



Officer Report

Application Number:	HGY/2023/2109
Application Type:	Lawful development: Proposed use
Address:	80 Avondale Road, Tottenham, London, N15 3SH
Proposal:	Certificate of Lawfulness for proposed change of use from C3 single family dwelling to C3b support shared housing for 5 occupants
Case Officer:	Laina Levassor
Valid Date:	11/08/2023
Applicant:	MR A AYDIN
Agent:	Mr SINAN AY

RECOMMENDATION

Refuse

RELEVANT 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.

The Town and Country Planning (Use Classes) (Amendment) Order 2005 (amended further in 2010) distinguishes a range of uses of buildings and specifically permits changes of use from one use to another within individual classes.

CONSIDERATIONS RELEVANT TO THE USE OF A PROPERTY AS C3(B)

Use Class C3 Dwellinghouses, is formed of three parts - C3(b) reading as:

Use as a dwelling house (whether or not as a sole or main residence) by - (b) not more than six residents living together as a single household where care is provided for residents.

Several interpretations of Use Class C3(b) have been heard at appeal since the division of the C3 Use Class however, it is generally held that whether a change of use is material or not, is a matter of fact and degree for the assessing planning authority to determine, having considered the individual facts of a case.

On this basis, the assertion of the Council is that in order to be considered as falling within the definition of Use Class C3(b), any such proposal should meet the following criteria:

i. The carrying out of operations in order to facilitate C3(b) use, must not amount to a material change of use;

- ii. The operation of the premises should offer and afford to occupiers, the functionality of the councils definition of a 'single household';
- iii. The proposed use would include care provision (for not more than six residents), within this criterion.

Proposed Operations / Proposed Use:

First it is to be established whether the use as described in this submission fits the criteria held for use as C3(b) as described within the Order and whether the individual facts of the case meet the LPA assertion of this use class.

The use is described within the supporting statement as follows:

"It is proposed that the property be occupied by 5 single adults in need of support, in accordance with Class C3(b) of the Use Classes Order. In accordance with the Regulations this class, being within the wider Class C3 umbrella does not constitute a material change of use requiring planning permission. It is therefore lawful.

New Roots was formed as a social venture to assist with solving homelessness in London. It provides temporary accommodation for homeless persons. It is a Certified Community Interest Company. New Roots is recognised as an exempt supported public housing provider by local councils such as Haringey, Enfield and Brent (within their Housing Benefit Departments). The Company's Service Specification is enclosed with this application. A waiting list system is deployed in order to avoid voids. New Roots' mission is to guide residents from homelessness to self-sufficiency and independence.

... New Roots are seeking to work with local authorities to assist with their mission to prevent homelessness, improve overall well-being for those worked with and to reduce social and economic exclusion. New Roots are therefore an essential component in the delivery of national and local planning policy to reduce homelessness. The proposals are strongly supported by the Framework, Haringey Local Plan and Haringey Housing Strategy. In particular, it is supported by Haringey's intention to forge new relationships with investors to provide accommodation for the homeless."

ASSESSMENT

The use is described as providing temporary accommodation for individuals who are facing homelessness. Homeless accommodation is considered a form of specialist housing which is not deemed by the LPA to fall within the scope of C3(b). The use as detailed within the submission relates to an unclassified use which would fall under the Sui Generis use class, thereby requiring planning permission.

CONCLUSION

The proposal is not considered to meet the criteria of C3(b), for this reason, the proposed change of use is not considered lawful and a certificate is not issued.

