PLANNING SERVICES
Part of the SAM Group

Unit 9b, The High Cross Centre,
Fountayne Rd, London N15 4BE
T: 020 8802 3480 D: 020 3846 6745
E: info@samplanning.co.uk

Planning Statement:

Date: 19/01/2026

Site Address: 22 Willoughby Road, Haringey, N8 0JE.

Introduction:

The Planning Statement is in support of the application for a Certificate of Lawfulness for the proposed change of use of the ground floor flat from Class C3(a), single family dwelling to Class C3(c), (not more than six residents living together as a single household where no care is provided to residents.

Class C3 also includes Bungalows, Flats. A block of flats is not a dwellinghouse although the individual flats within the block will be dwelling-houses (Gov.UK).

The application seeks a Certificate of Lawfulness under Section 192 of the Town and Country Planning Act 1990 to confirm that the proposed occupation of the property would be lawful.

Legislation:

Town and Country Planning (Use Classes) Order 1987 (as amended).

The Use Classes Order 1987 (as amended) ("UCO") puts the more common uses of land into various broad categories. Section 55 (2)(f) provides that a change to a different use falling within the same use class as the original use does not require planning permission.

Class 3-Dwellinghouses – Use as a dwellinghouse (whether or not as a sole or main residence by:

a) A single person or by people to be regarded as forming a single household.
b) Not more than six residents living together as a single household where care is provided for residents.
c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class.

In **Gravesham Borough Council v Secretary of State for the Environment (1982) P&CR 142**, McCulloch J in the High Court was required to consider the definition of a dwelling house. He held that a distinctive characteristic of a dwelling house was its ability to afford to those who used it the facilities required for day-to-day private domestic existence.

The Proposal:

The proposed occupation would comprise a group of three friends/persons occupying a two-bedroom ground floor flat, containing a bedroom of 15.3 sqm, a second bedroom of 11.8 sqm, a living room of 20.3 sqm and a kitchen of 8.1 sqm. The accommodation would be used communally, without subdivision or separate facilities.

The proposed occupation would comprise a single household unit, with shared facilities and a common domestic arrangement.

The lawful use of the property is as a dwellinghouse within Use Class C3. The proposed occupation would fall within Use Class C3(c), which expressly permits the use of a dwellinghouse by a group of up to six people living together as a single household.

Class C3(c) exists to accommodate group living arrangements which do not fall within the definition of a House in Multiple Occupation under Use Class C4, but which have historically been treated as dwellinghouses within Class C3. Other examples for such groupings include a small religious communities living communally as a single household, or a homeowner living together with one or more lodgers, where the household operates as a single unit.

Key Characteristics of Class C3(c)

A use will generally fall within Class C3(c) where:

- Occupation is limited to no more than six people
- The residents live together as a single household
- Facilities such as the kitchen, living spaces and bathrooms are shared communally
- There is no subdivision into separate or self-contained units
- There are no individual tenancies creating separate households
- The use remains residential in character, comparable to a family dwelling

Management Plan

To ensure that the occupation remains within Class C3(c) and is restricted to no more than three persons forming a single household, the following management measures would be implemented:

1. **Occupancy Limit**
   The flat shall be occupied by a maximum of **three persons** at any time.
2. **Single Household Requirement**
   All occupants shall occupy the flat as a **single household**, sharing the living room, kitchen and bathroom facilities. No subdivision or creation of separate living units shall occur.

3. **Tenancy Structure**
   The property shall be let under **one joint tenancy agreement** to all occupants, rather than individual room-by-room lettings.
4. **Internal Layout**
   No additional bedrooms shall be created, and no internal locks shall be installed to individual rooms other than standard privacy locks.
5. **Monitoring**
   The landlord or managing agent shall retain oversight of occupation to ensure continued compliance with the above measures.

For the purposes of Section 55 of the Town and Country Planning Act 1990, the relevant consideration is whether the proposed occupation would result in a material change in the character of the use of the land. Applying the established principle that materiality is a matter of fact and degree (*Burdle v Secretary of State for the Environment* [1972]), the proposed use would not alter the residential character of the property.

The proposed occupation would not constitute a House in Multiple Occupation. In **Gravesham Borough Council v Secretary of State for the Environment [1984]**, the Court confirmed that the question of whether a group of people forms a single household is a matter of fact and degree. Here, the occupants would live together as a single household, sharing facilities and accommodation, rather than occupying the property as separate households.

The scale of occupation would be limited to three friends living together as a single household and would be comparable to that of a family dwelling. The pattern of occupation, comings and goings, and use of shared facilities would not materially differ from those associated with a conventional dwellinghouse.

Accordingly, the proposed occupation would remain within Use Class C3 and would not constitute development within the meaning of Section 55 of the Town and Country Planning Act 1990.

The proposed use would therefore be lawful, and a Certificate of Lawfulness (Proposed Use) should be granted under Section 192 of the Act.

Conclusion

The proposed C3c use and existing C3a use both fall within C3 use class as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended) and planning permission is not required to change between uses within the same use class. Therefore, we anticipate that the Council will respectfully issue Lawful Development Certificate in this instance.