

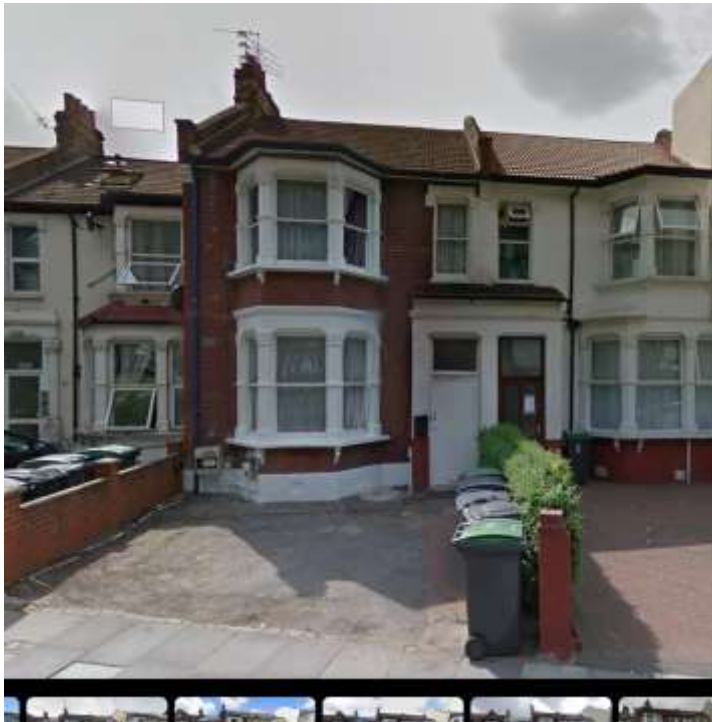
Planning Statement:

Site Address: Ground floor flat, 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(b), single household to accommodate no more than 2 children from ages 13-17 where care is provided.

Site Characteristics:



2-storey terrace dwellinghouse located on the west side of Willoughby Road in a predominantly residential area. The proposal site (ground floor flat) comprises 2 large bedrooms (15.31 sqm and 11.80 sqm), a generous spacious living room (20.32 sqm), kitchen, shower room, toilet and an enclosed patio (9.94 sqm).

Planning History:

HGY/2025/2376: Lawful Development Certificate: Existing use of the property as two separate self-contained flats (Ground Floor Flat & First Floor Flat) – **granted on 06/10/2025**

HGY/2022/2055: Extension of ground floor flat – **granted on 12/10/2022.**

HGY/2019/2896: Partial demolition of existing single-storey rear extension and construction of extended, ground floor single storey side to rear extension – **granted on 16/12/2019.**

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) Not more than six residents living together as a single household where no care is provided to residents (other than a use within C4).

The criteria for Class C3(a) include both the manner of use and the physical condition of the premises. The property was designed for residential purposes containing the normal facilities for cooking, eating, sleeping associated with the use as a dwellinghouse and therefore meets Class C3(a).

In Summary:

The application satisfies all the requirements of the the Town and Country Planning (Use Classes) Order 1987 (as amended) in that:

- 1) Care will be provided within the C3(b) criterion
- 2) The use will not amount to a material change of use
- 3) The operation of the premise as C3(b) offers the functionality of a single household
- 4) No external or internal are proposed that would alter the appearance of the building and the operation would not differ from that of a single household dwelling.

The Proposal:

The proposal seeks Certificate of Lawfulness for change of use of the ground floor flat from Use Class C3a (single family dwelling) to C3b, single household to accommodate no more

than 2 children from ages 13-17 where care is provided by one permanent staff covering day shift hours and one permanent staff covering night shift hours.

Purpose of the proposal

- a) The children that would be taken care of are those with Emotional and Behavioural Difficulties. There would be a fulltime daytime carer living in the property to provide care and support for the children from 9.30 to 18:00 hours and another fulltime nighttime carer living in the property to provide care and support for the children from 18:00 to 9:30 hours. The maximum total number of people living in the building at any one time would therefore be 3 (1 adult + 2 children).
- b) The purpose is to provide a safe and nurturing environment for the resident children, which seeks to encourage education, hobbies and leisure activities. It also aims to encourage the children to focus on their strengths and build positive support networks to achieve their aspirations in education and other life transforming activities whilst forming positive relationships with other people.
- c) The children will be supported to attend local schools during term time and the carer would organise activities for the children and look to support them with any homework.
- d) The proposal will seek to replicate as closely as possible a normal family environment in line with the government policy in promoting and helping children, who require care in homely environment where they are valued, supported and encouraged to succeed in life, become role models and useful citizens.

Confirmation of living together as a single household (Use Class 3(b))

- i. The proposed change would involve taking care of 2 children with Emotional and Behavioural Difficulties who would require a different living and caring environment where counselling, mentorship and living together as a single household under the supervision of 2 experienced adult carers working on day and night shift hours.
- ii. The house/home will be shared by 2 Children aged between 13 & 17 years of age and no more than 3 people including a carer will be residing in the building at any one time.
- iii. The property would be occupied and run as a normal family home with a single kitchen where all food would be cooked and eaten in a family environment. The children would share the communal living room area, patio, kitchen, toilet, shower and the rear garden amenity space.
- iv. Each child would be cared for and live in a single household setting, sharing facilities and household tasks. The children would be guided and looked after by a staff member at all times while performing other household tasks such as cleaning, cooking and laundry works.

- v. Because these are children who require guidance and support, an adult carer would have to be around in the building at all times working in shifts; one covering daytime hours and another covering nighttime hours.

The proposal would entail no operational development, and the site is not subject to any Article 4 restrictions.

Relevant case law:

1. 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.
2. In *North Devon District Council v The First Secretary of State* [2003] EWHC 157 Admin ("North Devon"). North Devon and Stockport LDC ("Stockport") appeal decision 1, confirms that it is unrealistic to expect children to look after themselves in a single household. The concept of living together as a household means that a properly functioning household must exist. This means the children and carers must be familiar, with carers either residing or staying at the property on a temporary basis.

Conclusion

The proposed C3b 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.