



Officer Report

Application Number:	HGY/2026/0178
Application Type:	Lawful development: Proposed use
Address:	56 Sydney Road, Hornsey, London, N8 0EX
Proposal:	Certificate of Lawfulness Proposed: Conversion within Use Class C3 for 56 Sydney Road from C3a (single dwellinghouse) to C3b (dwellinghouse occupied by up to six people living together as a single household where care is provided for residents).
Case Officer:	Oskar Gregersen
Valid Date:	03/03/2026
Applicant:	Mr Telis
Agent:	Mr Joel Stern

RECOMMENDATION

Permitted Development

SITE DESCRIPTION

The application site contains a two-storey semi-detached property located on the southern side of Sydney Road, N8. Council tax records show that the site has been divided as 2no. self-contained flats since 1993 however there is no evidence of permission for this conversion.

The site does not contain a listed building and is not located in a conservation area

DETAILS OF PROPOSAL

Certificate of lawfulness for the proposed use of property as a children's care home within the C3(b) Use Class, providing care for up to two children aged 13-17 with one permanent resident carer.

RELEVANT PLANNING AND ENFORCEMENT HISTORY

Site History

HGY/2019/3090 – Approved: 21/01/2020 – Flat A, 56 Sydney Road – Demolition of existing single-storey rear extension and partial demolition at ground floor level of existing, rear outrigger and the construction of a new, extended, ground floor extension to the rear of the property.

HGY/2022/2021 – Approved: 12/07/2022 – Flat A, 56 Sydney Road – Extension of existing ground floor dwelling

Recent certificates granted for children's care home elsewhere in the borough.

HGY/2025/1979 – Approved: 16/09/2025 – Certificate of lawfulness for the proposed use of property as a children's care home within the C3(b) Use Class, providing care for up to four children with one permanent resident carer.

HGY/2024/3539 – Approved: 19/02/2025 – Certificate of Proposed Lawfulness for the change of use from a C3(a) dwellinghouse to a C3(b) dwellinghouse (not more than six residents living together as a single household where care is provided for residents).

HGY/2024/2363 – Approved: 18/10/2024 – Certificate of Lawfulness for use of the dwellinghouse as a Class C3(b) children's home

HGY/2024/0573 – Approved: 22/11/2024 – Certificate of lawfulness for the proposed change of use From C3(a) to C3(b), within the same use class is not considered a material change of use requiring planning permission

RELEVANT PLANNING LEGISLATION

The application has been made under section 192 of the Town and Country Planning Act 1990 and relevant amendments. This not a planning application but instead the applicant seeks confirmation that the proposed development is lawful. As such, the impact of the proposed development of the neighbour's amenities or the character of the area cannot be taken into consideration for this submission.

Case Law on Amalgamation

It is noted that while there is no permission in place for this site to be divided into two-self contained dwellings, the extant planning permissions were given for the site as two flats, and the council tax records show that this has been the case since approximately 1993. In applying for this certificate the applicant is understood then to be amalgamating the site back into a single dwellinghouse, the subsequent caselaw explores whether this constitutes development.

In *Richmond upon Thames LBC v Secretary of State for the Environment, Transport and the Regions* [2001] JPL 84, the High Court considered whether converting a building from seven self-contained flats into a single dwellinghouse amounted to a material change of use under section 55 of the Town and Country Planning Act 1990. The Court held that such an amalgamation is not automatically development, but may be so where it results in a change in the character or planning impact of the use, assessed as a matter of fact and degree. In this case, the loss of six residential units was significant in a borough with housing pressure, meaning the change was material and required planning permission. The decision established that the amalgamation of multiple dwellings into one can constitute a material change of use where it affects housing supply or the planning character of an area.

In *Royal Borough of Kensington and Chelsea v Secretary of State for Communities and Local Government* [2016] EWHC 1785 (Admin), the High Court held that the amalgamation of two or more dwellings into a single unit can constitute a material change of use under section 55 of the Town and Country Planning Act 1990, depending on the facts and planning impacts. RBKC had argued that such amalgamations reduce housing supply in a high-demand area and therefore should require planning permission. The Court agreed that the loss of a housing unit is a relevant planning consideration and that the planning inspector erred by dismissing it simply because there was no explicit local policy on amalgamation. The decision to grant a certificate of lawfulness was quashed, confirming that even where the overall use remains residential, the loss of a dwelling can amount to development if it has significant planning consequences.

In *Lambeth v SSLUHC* [2024] EWHC 1391 (Admin), the court endorsed the principles set out in *Royal Borough of Kensington and Chelsea v SSCLG* [2016] EWHC 1785 (Admin) (RKBC), and *Richmond upon Thames LBC v SSETR* [2001] JPL 84, and dismissed a challenge to an Inspector's decision to grant a certificate of lawfulness and planning permission for the

amalgamation of two flats into a single dwelling. The Inspector had correctly interpreted policy H3 of the Lambeth Local Plan and H8 of the London Plan and concluded that the amalgamation in that specific case did not breach those policies, and that the loss of a single unit, in the context of the current housing delivery in Lambeth, would not be a planning consequence of significance.

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

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

Use as a dwelling house (whether or not as a sole or main residence) by 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 council's definition of a 'single household';
- iii. The proposed use would include care provision (for not more than six residents), within this criterion.

ASSESSMENT

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

No external or internal amendments to the property are being proposed as part of this application

The property will house two children and one permanent lived in carer. The care being provided is primarily is for children from disadvantaged or difficult backgrounds and would require a different living and caring environment where counselling, mentorship and living together as a single household under the supervision of a permanent carer/staff member.

The additional information is considered sufficient to demonstrate that comings and goings and general level of activity resulting from the proposed change of use would not be considered a material change in use. The proposal is similar in scale and intensity to other recently approved certificates for C3(b) use (see history above).

ii. The operation of the premises should offer and afford to occupiers, the functionality of the council's definition of a 'single household'.

In UK planning law, a single household generally refers to a group of people living together in one dwelling, either as a single person, a family, or a group that functions like a family. Case law states that children cannot form a single household without an adult also being part of the household.

The application states that there will be a permanent resident carer acting as head of household and guardian to the children in their care, which addresses this issue. The use includes all the communal facilities that would normally be found in a family home, a family kitchen dining area, a

shared lounge etc. It is also understood from the supporting information that the invention of the proposed facility is to provide the children with a stable, family like environment providing support, counselling and mentorship.

iii. The proposed use would include care provision (for not more than six residents).

The application confirms that there will be 2 children and 1 carer permanently resident with the property.

Conclusion

Based on the information and evidence submitted, the Council is satisfied that the use proposed in the application falls within Class C3(b): being not more than 6 residents living together as a single household where care is provided for residents. As such the proposal would not constitute a MATERIAL CHANGE OF USE and is therefore LAWFUL

RECOMMENDATION

Grant Certificate for the following reason(s):

From the information submitted, the Council is persuaded that the use proposed in the application would fall within Class C3(b): being not more than 6 residents living together as a single household where care is provided for residents. As such the proposal would not constitute a MATERIAL CHANGE OF USE and is therefore LAWFUL

Informatives:

INFORMATIVE: Use of the property

The permission hereby granted does not authorise the use of the property for any purpose other than Use Class C3(b) (up to six residents living together as a single household and receiving care). Any use of the property as a House in Multiple Occupation (Use Class C4) would constitute a material change of use and would require express planning permission.

The site lies within an area subject to an Article 4 Direction confirmed by the London Borough of Haringey in 2013, which removes permitted development rights for changes of use from Use Class C3 to Use Class C4. The use of the property as a C4 HMO without planning permission may result in enforcement action being taken by the Local Planning Authority.

INFORMATIVE: Care Use and Registration

Where the property is occupied as Use Class C3(b) (up to six residents living together as a single household and receiving care), the applicant is advised that the use may be subject to registration with the Care Quality Commission (CQC) under separate legislation. It is the responsibility of the operator to ensure that any required registration, certification or compliance with other statutory bodies is in place prior to occupation.