



Officer Report

Application Number:	HGY/2026/0353
Application Type:	Lawful development: Proposed use
Address:	174 Morley Avenue, Wood Green, London, N22 6NT
Proposal:	Certificate of Lawfulness for the proposed change of use from C3(a) (Single family dwelling) to children's care home for 2 child residents. [AMENDED DESCRIPTION]
Case Officer:	Mark Chan
Valid Date:	11/03/2026
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Applicant:	Mr Singh
Agent:	Mr Joel Stern

RECOMMENDATION

Approve

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) Order 1987 (as amended) 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.

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).

With regard to applications involving children to form a household, as established in *North Devon District Council v First Secretary of State [2003]*, there is a requirement for an adult carer to reside

within the property to form a functioning household. If staff operate on a shift basis and do not permanently reside at the property, the use falls into Class C2 (Residential Institutions).

Use Class C2:

- Use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3. Dwellinghouses, used as sole or main residence).
- Use as a hospital or nursing home.
- Use as a residential school, college or training centre.

Where a change of use class is identified (e.g., C3 to C2), the Local Planning Authority must assess whether the change is 'material'. If the change is not material, planning permission is not required.

Proposed Operations / Proposed Use:

The proposal seeks a Certificate of Lawfulness for the change of use from Use Class C3(a) (single family dwelling) to C3(b) (up to six people living together as a single household and receiving care).

The submitted Planning Statement states that the property would accommodate 2 children (aged 13-17) alongside one permanent adult carer. The submitted floor plans (Drawing PR-P001 & PR-P002) show the ground floor accommodates a dedicated bedroom for the carer, alongside a shared kitchen/dining room, entrance hall, and bathroom. The first floor provides two bedrooms for the children.

The applicant has further clarified that the permanent adult carer would work on a shift basis (alternating between 2 carers: one for the day shift and one for the night shift). Consequently, only one staff member would be on-site at any given time.

No external or internal alterations are proposed to the building as part of this application.

Whether the operation of the premises as C3(b) offers the functionality of a "single household":

Whilst the adult carers would be working at the property on an alternating day/night shift basis and do not permanently reside at the property as their principal address, the Court of Appeal in *R(Hossack) v Kettering BC [2002]* has established that this itself does not preclude the setup from being considered a 'single household' under Class C3(b).

However, relying on the *North Devon District Council v First Secretary of State [2003]* case, the Council is of the view that children cannot legally form a single household on their own without a permanent resident adult, and thus the proposed use fails the criteria for Class C3(b).

Consequently, the provision of residential accommodation and care to these children by shift-working staff falls within Use Class C2 (Residential Institutions).

Whether the transition to Class C2 would constitute or amount to a material change of use:

Having established that the use falls into Class C2, the Council must determine if this constitutes a material change of use from the existing C3(a) dwellinghouse.

As established in planning appeal decision APP/F1040/X/21/3283867 and noted by the Officer in the Officer Report of planning application ref: HGY/2025/0001, the number of children living at the property can result in a case being considered to have non-material change. In the current proposal, a care setup for two children with shift-working adult carers would generate a level of activity, comings-and-goings, and noise that is virtually indistinguishable from a standard C3(a) family dwelling.

Given that the proposed occupancy is strictly limited to 3 individuals (2 children and 1 staff member on-site at any time), and no physical alterations are required to the property, the daily character and operation would not be materially different from its current residential use.

SUMMARY AND CONCLUSION

For the reasons described above, the Council concludes that because care is provided by shift-working staff, the use falls within Class C2 rather than Class C3(b). However, due to the extremely small scale of the operation (2 children), this transition does not amount to a material change of use from the existing C3(a) dwellinghouse. Formal planning permission is therefore not required in this case.

However, as noted in planning appeal decision APP/F1040/X/21/3283867, a change of use from a C3 use to a C2 use normally requires planning permission, it would be inappropriate for the certificate of lawfulness to describe the new use as a C2 use. As such, the proposal description has been amended to limit the number of children living at the site to 2 as that is the level of use sought by the applicant and is the basis of the assessment of the materiality of the change of use.

REASONS FOR APPROVAL

The Council considers that the proposed use falls within Class C2 of The Town and Country Planning (Use Classes) Order 1987 (as amended). However, the proposed operation of a small-scale children's care home for a maximum of 2 children and 1 on-site shift-working carer does not constitute a material change of use from the existing C3(a) dwellinghouse. A Certificate of Lawfulness is therefore granted.