

Planning statement

Address: First 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 3 children from ages 8-17 where care is provided through one permanent staff.

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.

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.

Site description:

2-storey terrace dwellinghouse located on the west side of Willoughby Road in a predominantly residential area. The site is not subject to any Article 4 restrictions.

The proposal site (first floor flat) comprises 4 bedrooms with communal kitchen, shower room and toilet.

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 first floor flat from Use Class C3a (single family dwelling) to C3b, single household to accommodate no more than 3 children from ages 8-17 where care is provided through a permanent staff or carer.

Purpose:

- i. The proposal will provide placements for up to 3 children with difficult or disadvantaged backgrounds with concerns around their safety and well-being. The applicant is committed to providing a safe, supportive environment tailored to their individual needs, with a strong focus on stability, emotional support, and personal development.
- ii. The proposed dwelling would accommodate three children alongside one permanent carer/staff member. The use of the property would comprise a home for three children or young people living together as a single household, with care provided by a permanent carer/staff member. The residents would share facilities such as a shower, kitchen, and toilet and as such would live in a similar manner to a family environment within a residential property. The level of activity at the site in association with proposed use would not be materially different to the existing use of this site and will not exceed 6 people.
- iii. The proposed children's home seeks to replicate as closely as possible a normal family environment. This type of provision, which government policy is promoting, is to help children, who often through no fault of their own, have come from disadvantaged backgrounds.
- iv. 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, pursue education and other development goals whilst forming positive relationships with other people.
- v. The young people would engage in healthy meal cooking, cleaning, budgeting and maintenance of the household, family shopping, independent living skills, access to universal and other services and accessing employability or educational activities to achieve economic well-being.
- vi. The carers residing at the property would effectively live at the dwelling house to provide 24-hour care, as a single household. Facilities such as the bathroom/WC, kitchen and living rooms would be shared and the living mode would be communal.

The home would serve as the young peoples' sole and main residence, with free and shared access to living, dining, and kitchen facilities.

- vii. 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.

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