

PLANNING STATEMENT

in support of an application for a Certificate of Lawful Development (Proposed Use)

Site: 65 Ladysmith Road, London N17 9AP

Proposal: Use of the dwellinghouse for not more than six residents living together as a single household where care is provided (Use Class C3(b))

Local Planning Authority: London Borough of Haringey

Application under: Section 192, Town and Country Planning Act 1990

Applicant: Mr Jonathan Hunter

Prepared by: Bashkal

Date: June 2026

1. Introduction

1.1 Purpose of this statement

This statement has been prepared by Bashkal on behalf of Mr Jonathan Hunter (“the applicant”) in support of an application made under section 192 of the Town and Country Planning Act 1990 (“the Act”) for a Certificate of Lawful Development in respect of a proposed use of 65 Ladysmith Road, London N17 9AP (“the property”).

The application seeks confirmation that the proposed use of the property as a dwellinghouse for not more than six residents living together as a single household, where care is provided to the residents — a use falling within Class C3(b) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (“the Use Classes Order”) — would be lawful and would not require planning permission.

1.2 The agent

Bashkal acts as agent for the applicant. All correspondence in connection with this application should be directed to Bashkal in the first instance.

1.3 The nature of the application

An application for a Certificate of Lawful Development is determined as a matter of fact and law. The planning merits of the proposed use are not relevant to its determination, and matters such as residential amenity, space standards and neighbour impact fall to be disregarded. The single question for the Council is whether the proposed use would be lawful if instituted at the date of the application.

This statement addresses, in turn, the site and its surroundings (Section 2), the relevant planning history (Section 3), the proposed use (Section 4), the statutory framework (Section 5), and the applicant’s case that the proposed use is lawful (Section 6), before drawing the matter together in a conclusion (Section 8).

2. The Site and Surroundings

2.1 The property

The property is a traditional two-storey terraced dwellinghouse with a lawful loft conversion providing accommodation at second-floor level. It has a gross internal floor area of approximately 126.27 sq m arranged over three floors. Its existing lawful use is as a single dwellinghouse falling within Use Class C3(a) of the Use Classes Order, namely use as a dwellinghouse by a single person or by people living together as a single household.

Under the proposed use, the ground floor would provide a communal living/dining room and a shared kitchen, with bedroom accommodation and a resident support worker’s room on the upper floors, served by shared bathrooms. The building is, and would remain, a single self-contained dwellinghouse.

2.2 Surrounding area

The property is located in a predominantly residential street within the Tottenham area of the London Borough of Haringey, characterised by dwellinghouses of similar form and scale. The

proposed use is residential in character and consistent with the established residential character of the area.

2.3 Designations and the Article 4 position

No heritage or other designation is material to the determination of this application, which turns on fact and law alone. For completeness, no Article 4 Direction bears on the change of use proposed. The Article 4 Directions relevant in this borough remove permitted development rights for changes of use from Class C3 to Class C4 (houses in multiple occupation). The present application concerns a change of use within Class C3 — from Class C3(a) to Class C3(b) — which, as explained below, does not constitute development at all and does not rely on any permitted development right. The Article 4 position is therefore not engaged.

3. Relevant Planning History

A search of the Council's planning register discloses the following entries for the property. The history is set out for completeness; the entries material to this application are identified below.

HGY/2016/3195 — Certificate of Lawfulness for a proposed loft conversion with rear dormer, hip-to-gable roof extension and front rooflights. Issued as permitted development (lawful), 30 September 2016. This confirms that the second-floor (loft) accommodation within the property is lawful.

HGY/2016/3683 — Single-storey side to rear extension. Approved subject to conditions, 28 December 2016.

HGY/2016/3247 — Construction of a part two-storey building providing one studio unit. Refused, 28 October 2016; subsequent appeal (reference APP/Y5420/W/17/3166955). This concerned the erection of a separate unit and is not material to the present application.

HGY/2015/2122 and HGY/2016/2154 — Earlier proposals for extensions to the property (refused / certificate not granted). Not material to the present application.

Enforcement — reference A-6908 (appeal AP-10669). An enforcement notice was served on 2 November 2021 in respect of an unauthorised change of use of the property to a house in multiple occupation. The relationship of this notice to the present application is addressed at paragraph 6.6 below. In short, the notice does not render the proposed use unlawful and, properly understood, confirms that the lawful use of the property is a single dwellinghouse within Class C3.

4. The Proposed Use

4.1 Description of the proposed use

The application seeks a certificate that the use of the property as a dwellinghouse for not more than six residents living together as a single household, where care is provided to the residents, would be lawful. The residents would be adults in need of personal care within the meaning of the Use Classes Order.

The home would be operated as a single household with communal living. The proposed plans show a shared living/dining room and a shared kitchen at ground floor, four bedrooms for residents, and a room for a support worker who would live at the property as a member of the

household and provide care to the residents. Occupation would not exceed six residents in total; the proposal is for up to four residents together with a resident support worker. The residents would share the communal facilities and live collectively as a single household, rather than occupying the property as separate households.

4.2 No operational development

The application relates solely to the use of the property. It involves a change of use only: no building works, whether external or internal, are proposed, and no operational development of any kind is involved. The proposed plans illustrate how the existing accommodation would be used and involve no alteration to the fabric of the building. As the building and its external appearance are wholly unaltered, no elevations or sections are submitted with this application, and none is required.

4.3 Drawings and documents submitted

This application comprises the completed application form and fee; a site location plan; existing floor plans (drawing 001); proposed floor plans (drawing 002, revision R1); and this statement.

5. The Statutory Framework

5.1 Section 192 — certificate of lawfulness of proposed use

Section 192 of the Act provides that, where a person wishes to ascertain whether a proposed use of a building would be lawful, they may apply to the local planning authority for a certificate. If, on the date of the application, the authority is provided with information satisfying it that the use would have been lawful, it must issue a certificate to that effect. Lawfulness is a matter of fact and law; the planning merits of the use are not relevant.

5.2 Section 191(2) — the meaning of “lawful”

Section 191(2) provides that a use is lawful at any time if no enforcement action may then be taken in respect of it (whether because it did not involve development, did not require planning permission, or any relevant time limit has expired) and it does not constitute a contravention of any enforcement notice then in force.

5.3 Use Class C3 — dwellinghouses

Class C3 of the Use Classes Order provides for 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; or
- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

5.4 The meaning of “care”

Article 2 of the Use Classes Order defines “care” as personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs, or

past or present mental disorder. The personal care to be provided to the adult residents of the property falls squarely within that definition.

5.5 Section 55(2)(f) — changes of use within the same class

Section 55(2)(f) of the Act provides that, in the case of buildings or other land which are used for a purpose of any class specified in the Use Classes Order, the use for any other purpose of the same class is not to be taken to involve development of the land. A change of use between two uses that both fall within the same use class therefore does not amount to development and does not require planning permission.

6. The Applicant's Case — Why the Proposed Use is Lawful

6.1 The existing lawful use is within Class C3(a)

The property is a single dwellinghouse. Its existing lawful use is as a dwellinghouse within Class C3(a). That the lawful use of the property is a single dwellinghouse is confirmed by the Council's own enforcement action: the enforcement notice of 2 November 2021 treated the unauthorised house-in-multiple-occupation use as the breach, which necessarily proceeds on the basis that the lawful use to which the property falls to be restored is a single dwellinghouse within Class C3.

6.2 The proposed use falls within Class C3(b)

The proposed use satisfies each element of Class C3(b):

Not more than six residents. Occupation would not exceed six residents in total. The proposal is for up to four residents together with a resident support worker, who is included within that number.

Living together as a single household. The residents and the resident support worker would live communally as a single household, sharing the living/dining room and kitchen and living collectively, rather than as separate households each occupying a discrete part of the building.

Where care is provided. The residents are adults in need of personal care within the meaning of Article 2 of the Use Classes Order, and that care is provided at the property. Care is provided by staff including a support worker who is resident within the household. This is not, therefore, a case in which care is provided only by non-resident visiting carers; the carer forms part of the single household, which reinforces rather than undermines the single-household character of the use.

6.3 The change of use is not development (section 55(2)(f))

Both the existing use (Class C3(a)) and the proposed use (Class C3(b)) fall within a single use class — Class C3. By operation of section 55(2)(f) of the Act, a change of use from Class C3(a) to Class C3(b) is not to be taken to involve development of the land. It follows that the proposed change of use does not constitute development, no planning permission is required, and the proposed use is lawful.

6.4 The proposed use is not a house in multiple occupation

A house in multiple occupation (Class C4, or a sui generis large HMO) is occupied by persons who do not form a single household. The proposed use is the opposite of that: a single household of not more than six persons, living communally with shared living and kitchen facilities and a resident carer, with personal care provided to the residents. Such a use is, by definition, within Class C3(b) and is not a house in multiple occupation. The proposed internal arrangement — a communal living/dining room, a shared kitchen, and a resident support worker's room — is consistent with, and gives effect to, that single-household character.

6.5 The proposed use is not a residential institution (Class C2)

Class C2 (residential institutions) applies to the provision of residential accommodation and care as an institution, and to establishments accommodating people otherwise than as a single household or in larger numbers. The proposed use is small in scale (no more than six residents), domestic in character, and occupied as a single household. It does not engage Class C2. The boundary between Class C3(b) and Class C2 is precisely the boundary that Class C3(b) was introduced to mark: a small home for up to six people living together as a single household with care falls within Class C3(b), not Class C2.

6.6 The 2021 enforcement notice does not render the proposed use unlawful

The enforcement notice served on 2 November 2021 was directed at an unauthorised change of use of the property to a house in multiple occupation. The proposed use the subject of this application is not a house in multiple occupation; it is a use within Class C3(b), and therefore within Class C3 — the lawful use class of the property.

For the purposes of section 191(2)(b) of the Act, the proposed use would not constitute a contravention of that enforcement notice. A notice that requires the cessation of an unauthorised house-in-multiple-occupation use, and the restoration of the lawful single-dwellinghouse use, is not contravened by a use that falls within that lawful Class C3 use. Far from undermining this application, the enforcement notice confirms the very premise on which it rests: that the lawful use of the property is a single dwellinghouse within Class C3. The Council is invited to read the required steps of the notice; on any reading, a use within Class C3 is consistent with, and not in contravention of, a notice requiring reversion to the lawful dwellinghouse use.

6.7 No condition or direction restricts the use within Class C3

The applicant is not aware of any condition on the planning history of the property that restricts its use within Use Class C3, or that limits its occupation to Class C3(a) only. The permissions on the register concern physical extensions to the building and impose conditions going to those works; none restricts the use class of the dwelling. As set out at paragraph 2.3, no Article 4 Direction bears on a change of use within Class C3.

7. Standards and Planning Merits are not Relevant

The determination of this application is a matter of fact and law. The planning merits of the proposed use, and questions of residential amenity and internal space standards, are not relevant considerations and fall to be disregarded. For completeness only, the property is a generously sized dwelling, with a gross internal area of approximately 126.27 sq m over three floors and room floor areas consistent with the Nationally Described Space Standard; but no question of standards arises for determination on this application.

8. Conclusion

The existing lawful use of the property is as a single dwellinghouse within Use Class C3(a). The proposed use — as a dwellinghouse for not more than six residents living together as a single household where care is provided to the residents — falls within Use Class C3(b). Both uses fall within a single use class, Class C3.

By operation of section 55(2)(f) of the Town and Country Planning Act 1990, the proposed change of use does not constitute development, and no planning permission is required. The proposed use is not a house in multiple occupation and does not contravene the enforcement notice of 2 November 2021; it is a use within the lawful Class C3 use of the property.

The proposed use would accordingly be lawful, and the applicant respectfully requests that the Council issue a Certificate of Lawful Development under section 192 of the Act confirming that the proposed use of the property as a dwellinghouse within Use Class C3(b) is lawful and does not require planning permission.