



Officer Report

Application Number:	HGY/2023/2428
Application Type:	Lawful development: Proposed use
Address:	54 The Avenue, Tottenham, London, N17 6TD
Proposal:	Certificate of Lawfulness for the proposed change of use from a C3(a) (Single Family Dwelling) to C3(c) - a 4 x bedroom dwelling for use by a small religious group.
Case Officer:	Laina Levassor
Valid Date:	11/09/2023
Applicant:	Adams
Agent:	Joshua Valler-Feltham

RECOMMENDATION

Permitted Development

PLANNING HISTORY

The planning history of the site has been taken into account when coming to this decision.

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.

The Town and Country Planning (Use Classes) (Amendment) Order 2005 (amended further in 2010) 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(C)

Use Class C3 Dwellinghouses, is formed of three parts - C3(c) reading as:

C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.

Several interpretations of Use Class C3 groupings 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 the 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(c), any such proposal should meet the following criteria:

- i. The carrying out of operations in order to facilitate C3(c) 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';

The use is described within the supporting statement as follows:

"The property will be transformed into a Missionary Community dedicated to housing Mormon Missionaries. The Missionary Community will serve as a hub for Mormon missionaries who are actively engaged in spreading the teachings and principles of the Church of Jesus Christ of Latter-day Saints. As part of their religious calling, Mormon missionaries are generally required to spend two years engaging in missionary work to share their faith with others".

"The Missionary Community aims to support Mormon missionaries in fulfilling their religious calling by providing suitable housing and a conducive environment for study, preparation, and engagement with the local community".

"The Missionary Community will engage in a variety of activities to fulfil its objectives. These activities may include:

1. Missionary Work: Mormon missionaries will be based at the Missionary Community while they carry out their two-year religious calling of spreading the teachings and principles of the Church of Jesus Christ of Latter-day Saints. They will engage in door-to-door visits, share their message of faith, and offer opportunities for individuals to learn more about their beliefs.
2. Study and Preparation: Missionaries will dedicate time to studying religious texts, including the Bible and the Book of Mormon, to deepen their understanding of their faith and develop effective strategies for sharing their beliefs. The Missionary Community will provide a suitable environment for focused study and preparation.
3. Community Engagement: The Missionary Community will actively participate in community events, engage in service projects, and collaborate with local organizations to foster positive relationships and contribute to the well-being of the community. This will promote a sense of unity and cooperation between the missionaries and the local residents.
4. Cultural Exchanges: The Missionary Community will organize events and activities that showcase the traditions, values, and customs of Mormon culture, fostering mutual understanding and appreciation. This will create opportunities for cultural exchange between the missionaries and the local community".

The change of use of land or buildings will require planning permission where it is considered the change would constitute a material change of use. There is no statutory definition of a 'material change of use' however, considerations are given to the significance of proposed changes and the resulting impact on the use of the building. Such considerations as to whether a material change of use is proposed, is determined on the individual merits of a case.

Consideration is given as to whether in order to be used as C3(c) works associated with such use are required which would externally alter the appearance of the building and whether the operation of the premises would differ to that of a dwelling, by means of increased coming and goings, activities and disturbance not typically associated with a residential dwelling.

A key element in the use of a dwelling house for 'non-family' purposes is the concept of a single household. It is considered that a premises can properly be regarded as being used a single dwelling house where they are used as a dwelling by a single person, a family or more than one person living together like a family, as a single household. C3(c) allows for groups of people (up to six) living together as a single household. This is to allow for those groupings that do not fall within the C4 house in multiple occupation definition to be provided for e.g. a small religious community may fall into this section as could a homeowner who is living with a lodger.

The use is described as a situation where the host property would serve as a base for those undertaking missionaries related to their faith. According to the provided statement, the dwelling would allow users to occupy a space for study, preparation, and housing. The approved plans (as amended), following officer recommendation, include the retention of a communal lounge space and communal kitchen/dining space. Whilst one of the downstairs rooms is proposed as a bedroom, it is not considered that this is unlike a family dwelling where a larger family may reside. First floor rooms are retained as bedrooms.

Given the nominal changes to the layout of the property, compared with the layout and function of family dwelling of this size, and the proposed use and function as described, it is not considered that the proposal would amount to harmful material changes such as increased comings and goings, noise or disturbance as may be associated with increased or excessive occupancy of a dwelling.

As described within this submission, the proposal allows for members of a religious community to live together which is considered to fall within the parameters of the purpose of C3(c).

Conditions:

- 4 The development hereby permitted shall only be built in accordance with approved plans.

Reason: In order to ensure the development is carried out in accordance with the approved details and in the interests of amenity.

Informatives:

INFORMATIVE: The consent hereby approved is given in relation to the use of this property as a single-family dwelling within the constraint of Use Class C3.

The subdivision of this property into self-contained flats or use as a House in Multiple Occupation (Use Class C4) would require planning permission as permitted development rights have been withdrawn through an Article 4 Direction (30th November 2013). Please refer to the link below for further information:

http://www.haringey.gov.uk/index/housing_and_planning/planning-mainpage/policy_and_projects/article_4_direction.htm

INFORMATIVE: The applicant is reminded that this certificate pertains only to the use exactly as described within this submission. If the use when commenced, amounts to a use which the council deem materially different from that permitted, then such use will be at risk of enforcement action.