



PLANNING STATEMENT

43 Prospect Lane, Havant, PO 5NH



AUGUST 1, 2024
LETOMBO LIMITED
30 Cranleigh Road, Feltham, TW13 4QD

Site Location

The application property comprises a two-storey semi-detached dwelling located on the west side of Prospect Lane. The site benefits from an integrated garage, front and a rear garden.

The Proposal

Application for a Certificate of Existing Lawful Use under the provisions of Section 191 of the Town and Country Planning Act 1990 (As amended by Section 10 of the Planning and Compensation Act 1991 for change of use from residential use (Class C3) to supported accommodation for 4 young people who are aged 16 -21 years (Class C2). The property has been in use as supported accommodation since March 2023.

Supported accommodation for young people is governed by the provisions of the Children's Homes (England) Regulations 2015. As such, they must now be registered with OFSTED which is the regulatory body for children's care. OFSTED requires an operator to demonstrate that planning permission is either granted or not required before it will register a property.

Section 191(a) of the Act states that an application for a Certificate of Lawfulness of Existing Use or Development should be submitted if *".... any person wishes to ascertain whether... any existing use of buildings or other land is lawful"*.

Section 55(1) of the Town and Country Planning Act 1990 (as amended) defines development as carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

According to Section 55 (2) the following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

(a)(ii) states that the carrying out for the maintenance, improvement or other alteration of any building of works which do not materially affect the external appearance of the building shall not be taken for the purposes of the Act to involve development of the land.

(f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.

In this case, the applicant wishes to certify that the established use of supported accommodation (C2) use would not result in a material change of use from the existing Class C3 use as a dwellinghouse.

A certificate of lawful use existing is submitted following a review of the following appeal cases:

1. Appeal ref: APP/M4320/X/22/3300634 at 19 Winstanley Road, Waterloo, Liverpool for a certificate of lawful use for change of use from a dwellinghouse (Class C3) to a children's home (Class C2) for no more than two children at any given time and two members of staff; and
2. Appeal ref: APP/Z5630/X/23/3318074 at Red Thorns, 98 Westbury Road, Kingston Upon Thames for a certificate of lawful use for a proposed change of use from a dwellinghouse (Class C3) to a children's home (Class C2) for up to six young people and between one and three members of staff.

In appeal decision APP/M4320/X/22/3300634, the Planning Inspector advised that the Use Classes Order should not be interpreted as meaning that some change between use classes is necessarily development within the meaning of Section 55(1) of the 1990 Act. The Inspector concluded that key issue in that appeal case was whether the change is 'material'.

Also, the Inspector in appeal decision APP/Z5630/X/23/3318074 concluded that whilst there are no permitted development rights to change the existing Class C3 use to a Class C2 use, it does not necessarily follow that a change from one to the other amounts to development requiring planning permission. The key issue is whether the change is material as a matter of fact and degree. For a material change of use to have occurred, there must be some significant difference in the character of the activities from what has gone on previously, as a matter of fact and degree.

In both appeal cases, the Inspector's concluded that the proposed Class C2 schemes would not result in a material change of use from the existing Class C3 use as dwellinghouses. The proposals would not therefore amount to development for which planning permission would be required.

Design

The ground floor comprises a kitchen, living room, dining area, an office and a utility. On the first floor there are four bedrooms and a bathroom.

There are no external alterations proposed. The proposal would therefore not impact on the character and appearance of the host dwelling and the surrounding area.

No. of young people

The dwelling is used for supported accommodation for 4 young people who are aged 16 -21 years. Three of the young people attend college and 1 stopped attending college recently. Staff support the young person who does not attend college to pursue social interests in the community. Some of the young people visit family and friends during the weekend. Consequently, there is limited impact on neighbour amenity in terms of noise.

The number of young people at the application property (4) is consistent with the number of people that can be accommodated in a normal family home under Class C3.

Level of care

The property provides semi-independent supported accommodation to young persons who are about to leave the care system who would typically stay between the age of 16 years until they turn 21 years.

The young persons are expected to progress their skills during the time they live at the property in all matters needed to run a home and to live independently, as opposed to being cared for. Therefore, the level of support is targeted and minimal, and support workers would not be there to run the lives of residents, or look after them as younger children would require, but to assist with life skills such as shopping, cleaning, signposting and budgeting. Therefore, the property occupied as close to a normal household as possible for example, with a single kitchen, where meals would be prepared and dining room where meals would be taken together, the same as in a single household.

There is no medical or psychiatric care provided, the young people are offered emotional and practical support as they make their transition to independent living. There will always be one member of staff at the property to provide that support. The only time when there will normally be more staff present would be during handover between shifts, supervision or professionals meeting.

Multi agency professional visits

Visits by multi-agency professionals are infrequent, therefore there would be no impact in terms of neighbour amenity or car parking. Below is a summary guide of visits by multi-agency professionals:

- **Day 1 - Young Person is placed into supported accommodation.**
 - Placement admission meeting is held. Staff, Social worker, and young person complete the placement admission form.
- **General Statutory Visiting Requirements**
 - Social Workers are recommended to visit: Within one week of the start of any placement. Visit at intervals of not more than 6 weeks for the first year of any placement.
 - Thereafter, at intervals of not more than 6 weeks (3 months if the placement is intended to last until the child is 18).
- **Personal Education Planning Meeting (PEP)**
 - A PEP meeting must be arranged within 20 days of a child coming into supported accommodation (10 days if placed in an emergency). The PEP should be reviewed every term (i.e. three times a year), but in some cases interim PEPs may be needed.
 - Most of the meetings are held at educational settings.
- **28 Day Statutory review by Independent Reviewing Officer (IRO)**
 - When a child has become 'looked after' by the local authority a statutory review must be held within 28 days.
 - The second review will be held no later than 3 months after the first review.

- Further reviews will be held, to review child/young person's, person centred care/support plans and progress in placement, until the move on plan meeting.

Parking

There is space for at least two cars in front of the property. Given that there would be one member of staff per shift, it is considered that there would be adequate on-site car parking.

Conclusion

There are no external changes to the host dwelling, the property would retain its character and appearance as a dwellinghouse.

People visiting the property are largely restricted to staff members on a rota basis, with shift changes avoiding anti-social hour and planned professional visits.

It is considered that the levels of noise and disturbance experienced by the closest neighbouring residents are unlikely to materially change.

There are enough car parking spaces on site, and staff can use public transport to access the site.

It is considered that the proposed change of use to Class C2 would be another form of residential use which will also fulfil a proper planning purpose in helping to meet the needs for young people. The objective is to provide a home which will allow young people to live as close to a conventional family life as is reasonably possible. Therefore, the use of the property does not appear to be nor will it be experienced as an institutional environment. The young people form a single household on their own.

The proposed use falls within Class C2 and the proposal would result in a change in the use of the property from Class C3 to Class C2. As a matter of fact and degree, the scale of the proposed use would not reach the point where it would give rise to such materially different planning circumstances that it would result in such a change in the definable character of the use that it would amount to a material change of use. The change of use would not therefore amount to development for which planning permission would be required.