

Delegated Report
211, Fencepiece Road, Chigwell, IG7 5EB
EPF/1887/24

Description of Site:

- Detached three bedroom bungalow
- Large plot with driveway

Description of Proposal:

Certificate of lawful development for a proposed change of use from C3 (residential dwelling) to C2 (childrens care home)

Relevant Planning History

None relevant

Main Issues and Considerations:

The Town and Country Planning (Use Classes) Order 1987 (as amended) essentially categorises different types of property and land into classes. Change between uses within the same class does not constitute development and therefore does not require planning permission. The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) identifies some permitted development rights allowing the change of use from one class to another, subject to conditions, limitations and/or a prior approval process.

Number 211 is a three-bedroom residential dwelling which falls into Use Class C3.

Use Class C3 of the Use Classes Order 1987 (as amended) is for the use as dwellinghouses. i.e. Houses, Flats, Apartments, Bungalows etc.

The full description is for the 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 Class C4).

Interpretation of Class C3

For the purposes of Class C3(a) "single household" shall be construed in accordance with Section 258 of the Housing Act 2004.

The GPDO does not have any provisions to change the use of a building from C3 to C2.

In some cases, the use of a buildings as a childrens care home can be considered as Use Class C3(b). In this particular instance the applicant has stated on the application form that the proposed use would fall within Use Class C2. Very limited information has been provided as part of the submission. It is not clear from the information provided as to whether the proposed use as childrens care home would amount to a more intensive use of the site than its lawful use as a residential property.

In some cases, the use of a buildings as a childrens care home can be considered as Use Class C3(b). However, no information has been provided about the number of children who would be housed in the property, whether any staff are employed, how many adult carers

would occupy the property, whether any would be permanently on site and/or the shift patterns of the carers.

Conclusion

Insufficient information has been provided to satisfy that on a balance of probabilities that a material change of use has not occurred.

A change of use from C3 (residential dwelling) to C2 (childrens care home) is not lawful. A specific grant of planning permission is required for the proposed change of use.