



Appeal Decision

by Gareth Symons BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2022

Appeal Ref: APP/E5330/X/21/3280278

372 Woolwich Road, Greenwich, LONDON, SE7 7AH

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Ndumie Mafu against the decision of Royal Borough of Greenwich.
 - The application ref 21/1359/CP, dated 12 April 2021, was refused by notice dated 7 July 2021.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is 'To carry out Supported Living/Care Home for up to 5 people in the existing house. No development or building works will be required'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal is based on legal grounds and not matters of planning merit. Both sides have also submitted sufficient evidence on which to reach a decision. Therefore, an Inspector site visit was not necessary in this case.

Main Issue

3. The main issue is whether there would be a material change of use from the lawful use as a single dwellinghouse falling within Class C3(a) of the Town and Country Planning (Use Classes) Order 1987 (UCO). The burden to make out the case rests with the appellant and the relevant test of the evidence is the balance of probability.

Reasons

4. The property is arranged over three floors and has five bedrooms, two bathrooms, a kitchen/dining room, reception room and downstairs toilet. No changes are proposed to the layout. Whilst it may be possible to envisage how such a house might be occupied, there is no information about how this house was occupied previously from which to establish the baseline against which the proposed use could be assessed.
5. Moreover, despite the residents being there under the collective umbrella of the appellant's care company, the staff at the house would be there to guide and support individuals to lead as independent a life as possible. On this basis the residents could live as disconnected individuals leading their own lives and whilst meals preparation, for example, might be done in the one kitchen, there is nothing to show that there would be any interaction with each other to

create a single unit or household. Creating a homely environment to live in is not the same as showing that the persons have come together to form, and thus be regarded, as a single household.

6. Furthermore, there is no information about the types of mental health issues residents might have that could influence the levels of support needed and there is nothing about average length of stays of residents to show that they might be become a single group. Rotations of residents coming and going staying for limited periods of time might not be regarded as forming a single household. Numerically, the number of individuals living there with a carer might not exceed the numbers associated with a family with two parents and four children. However, whether the proposed use falls within Use Class C3(a) or C2 of the UCO, the appellant has not discharged the burden on them to show that there would be no material change of use.

Conclusion

7. For the reasons given, the Council's refusal to grant a certificate of lawful use or development in respect of the development described in the banner heading above was well-founded. Therefore, the appeal fails and I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Gareth Symons

INSPECTOR