



Appeal Decision

Site visit made on 16 April 2025

by D A Hainsworth LL.B(Hons) FRSA Solicitor
an Inspector appointed by the Secretary of State

Decision date: 28th April 2025

Appeal Ref: APP/E2530/X/24/3354568

The Lodge, Main Street, Hougham, Grantham NG32 2JD

- The appeal is made by Anchor Care and Education Ltd under section 195 of the Town and Country Planning Act 1990 against a refusal by South Kesteven District Council to grant a lawful development certificate.
 - The application Ref: S24/1185, dated 10 July 2024, was refused by notice dated 4 September 2024.
 - The application was made under section 192(1)(a).
 - The development for which the certificate is sought is the use of a private dwelling (Use Class C3) as a children's care home (Use Class C2).
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Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use relating to the use described in the application, which I consider would be lawful if instituted at the time of the application.

Reasons for the decision

2. Section 195 requires an assessment to be made as to whether the Council's refusal of the application is or is not well-founded. The assessment is based on the lawfulness of the proposed use at the time of the application. The planning merits of the proposed use are not relevant to the appeal and there is no planning application before me.
 3. The Council refused the application for the following reason: -

"The proposed change of use from a C3 Residential Dwellinghouse to a C2 Residential Institution would not be lawful for planning purposes under section 192 of the Town and Country Planning Act 1990, as this would represent a material change of use requiring planning permission."
 4. At the time of the application, The Lodge was in use as a Class C3 Dwellinghouse. Class C3(a) includes use as a dwellinghouse by people to be regarded as forming a single household – in other words, a family home (see 'Interpretation of Class C3' in the Order and refer to section 258 of the Housing Act 2004).
 5. The proposed use of the house is as a children's care home for two children, who could live there from the age of six to the age of eighteen. This use would
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- be within Class C2 and not within Class C3, because (i) the personal care of children is placed in Class C2 by Article 2 of the Order and (ii) the children would not form a household, on account of their age and their dependence on carers who were not residents but would stay in the home on a rota basis.
6. The change of use from a family home to a children's care home for two children will not require planning permission if it does not amount to a material change of use for planning purposes. For this to occur there must as a matter of fact and degree be some significant changes in the character of the activities from the use as a family home that will result in an impact on the use of land and buildings.
 7. The appellants propose to manage the children's home as if it were a family home in all respects apart from the presence of staff carers. There would be a maximum of four staff at the home at any one time, with one member of staff sleeping at the home overnight. In this location, the staff are likely to use cars to travel to and from the home and the children are likely to be taken to social and recreational activities by car, and also to educational premises by car if a school bus service is not available. The Council consider that there would be a material change of use because of the level of comings and goings associated with the use being very different to what could be expected in a C3 use and because of the impact this would have on neighbours' amenities. The appellants maintain that the use would not be materially different to the use of this house by a typical family household.
 8. The Lodge is a spacious detached five-bedroom house with a large single-storey extension, ample garden space and a large parking area that could accommodate up to eight cars. On-street parking is permitted here.
 9. The use of the house as a large family home would create a variety of traffic movements and a substantial demand for parking facilities. I do not envisage that its use as a children's care home for two children will make a significant difference to the effect that a typical family household's use had on the level of activity, trip generation and overall comings and goings. The role of the carers would not be significantly different to that of parents looking after children in a family home and taking them to school or on trips out. A typical family household here could have several car drivers and separate travel patterns associated with each individual's education, work and leisure.
 10. For the above reasons, I have concluded that there would not as a matter of fact and degree be a material change of use. I am satisfied that the Council's refusal of the application is not well-founded. The appeal has therefore been allowed and the certificate has been granted.

D.A.Hainsworth

INSPECTOR