



Appeal Decision

by John Braithwaite BSc(Arch) BA(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2025

Appeal Ref: APP/W5780/X/24/3340759

32 Hurstleigh Gardens, Clayhill, Ilford IG5 0RQ

- 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 Hearts and Haven Childcare Ltd against the decision of the Council of the London Borough of Redbridge.
 - The application ref 3679/23, dated 11 January 2024, was refused by notice dated 12 February 2024.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which an LDC is sought is use of existing dwelling C3(a) into care home C3(b).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Determination of the appeal requires an assessment of documentary evidence. In these circumstances visiting the site is unnecessary. The appeal has been determined without undertaking a site visit.

Reasons

3. 32 Hurstleigh Gardens is a mid-terraced two-storey dwelling. The dwelling falls within Use Class C3 'Dwellinghouses' as defined in The Town and Country Planning (Use Classes) Order 1987 (as amended). Class C3 is 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 to residents; or (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).
4. Section 55(2) of the 1990 Act sets out operations or uses of land that shall not be taken to involve development of land; these include (f) in the case of buildings...which are used for a purpose of any class...the use of the buildings...for any other purpose of the same class. The effect of section 55(2) is that the change of use of a building to a use within the same use class does not constitute development which would otherwise, under the provisions of section 57(1), require planning permission. The proposed change of use of the existing dwelling from Class C3(a) to Class C3(b) would not constitute development for which planning permission is required.
5. The Government has published Planning Practice Guidance which includes a section on LDCs. In this section, at paragraph 5, it is stated that an application needs to describe precisely what is being applied for (not simply the use class) and the land to which the application relates; without sufficient or precise information, a local planning

authority may be justified in refusing a certificate; this does not preclude another application being submitted later on, if more information can be produced.

6. The main issue is whether sufficient or precise information has been provided to demonstrate that the proposed use of the appeal dwelling would be a Class C3(b) use.

7. The dwelling has a kitchen/living/dining room and two other rooms, one with an en-suite shower room, at ground floor level, and three bedrooms, a store and a bathroom at first floor level. At the front of the dwelling is a forecourt parking area that can accommodate two vehicles, and at the rear is a garden. The proposed use would be for five residents between the ages of 16 to 65+ years. The two rooms at ground floor level and the three bedrooms at first floor level would provide a bedroom for each of the residents, and the store would become an office for the care workers who would not sleep at the property and would not therefore be residents.

8. It has been explained that “The residents would engage in...cooking, cleaning, budgeting and maintenance of the household, family shopping, independent living skills, access to universal and other services, etc. The residents would eat together and...(their)...lifestyle...would be the same as if residents were normal people living in a family home”. The care element...is explained as “...the carers visiting the house on the basis of need requirements of the residents”. It is claimed that the use of the property would not be materially different to that of a large family home and that, therefore, the proposed use would not constitute development.

9. A recently produced website of the Appellant company, Hearts and Haven Childcare Ltd, states that their “...mission is to foster a family-oriented atmosphere where children are not only cared for but also encouraged to thrive”, and that they support ‘Children and Young People aged 8-17 years old’. The age range that they support, as stated on the website, is almost wholly different to the age range of residents that is proposed in this case. They may, in this regard, be proposing a different model to that detailed on their website but there is, for instance, no information on how potential residents would be referred to them.

10. The model proposed in this case is for adults to be resident at the appeal property. The care proposed is non-residential so it must be assumed that the adults would be capable of living, during the evening and at nighttime, without care and with self-sufficiency. If this is the case then there are many questions left unanswered. Would the residents go out of their home to socialise and for recreational and sporting activities ? Would they go out to work or to attend college or evening classes ? Would they invite friends to their home for social occasions ? Would they have the ability to be car owners and therefore to occupy the parking spaces at the property?

11. In the absence of information to answer the aforementioned questions it is not possible to judge whether the proposed residential occupation of the property would be materially different to occupation of the property as a large family home. The possibility that five adults who all could have the capacity to work, to go out for social, recreational, sporting or educational events, and to invite friends home, is not the same as that which is likely to occur if the appeal property is occupied as a family home. Also, if the adult residents did not have the capacity to engage in these activities then, again, occupation would not be the same as if occupation were by a family.

12. The Appellant has not provided sufficient or precise information to demonstrate that the proposed use of the appeal dwelling would be a Class C3(b) use.

13. For the reasons given above, and on all evidence now available, the Council's refusal to grant an LDC for 'use of existing dwelling C3(a) into care home C3(b)' at 32 Hurstleigh Gardens, Clayhill, Ilford was well-founded and the appeal fails. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

Inspector

