



Appeal Decision

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2025

Appeal Ref: APP/L5240/X/24/3337249

19 Charnwood Road, South Norwood, Croydon, London SE25 6NT

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Silas Silas against the decision of the Council of the London Borough of Croydon.
 - The application ref 23/03543/LP, dated 30 August 2023, was refused by notice dated 2 November 2023.
 - The application was made under section 192(1)(a) of the Act.
 - The use for which a certificate of lawful use or development is described as use of premises of a single family dwellinghouse (Use Class C3) to residential household for not more than six residents living together as a single household where care is provided for residents by a full-time resident carer (Use Class C3 (b) (Lawful Development Certificate for a Proposed Use) A "household" is: (current definition, from 2011): one person living alone, or a group of people (not necessarily related) living at the same address who share cooking facilities and share a living room, sitting room or dining area. A household can consist of a single family, more than one family or no families in the case of a group of unrelated people. (previous definition, from 1996 to 2010): a person living alone, or a group of people living at the same address who have the address as their only or main residence and either share one main meal a day or share living accommodation (or both). Please find attached our application for a certificate of lawful development relating to the use of 19 Charnwood Road as a residential household for up to 6 residents who will be supported and receiving care fulltime. There would be a resident carer residing to support them. We believe the use falls with C3(b) and are seeking the certificate as we need to provide evidence to the local authorities to lawfully carry out this care. We trust you will find the attached supporting information adequate and look forward to hearing from you in due course.
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Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the change of use from a single family dwellinghouse (Use Class C3) to residential household for not more than six residents living together as a single household where care is provided for residents by a full-time resident carer (Use Class C3(b)) which is found to be lawful.

Preliminary Matters

2. The description stated on the LDC application form is set out above, but the version stated on the decision notice is more concise and better reflects the lawful use that the application seeks. I have determined the appeal on this basis.
3. During the appeal I noted that several documents referred to in the Council's Officer Report were not on file. The appellant was requested to provide them, but no reply was forthcoming, so the files were obtained from the Council's website. The appellant was given an opportunity to say that unless he said otherwise, I would proceed to determine the appeal based on the documents on the Council's website alongside those submitted with the appeal. No reply was received.
4. An LDC is not an application for planning permission. Its purpose is to enable the appellant and others to ascertain whether specific operations or activities would be lawful. The burden of proof is upon the appellant. The test of the evidence is one

of balance of probability. The appeal concerns only the lawfulness of the matter for which the LDC is sought, not its planning merits. The decision is based on the facts of the case and on relevant planning law and judicial authority.

5. An application under S192(1)(a) of the Act seeks to establish whether any proposed use of buildings or other land are lawful. Therefore, the question is whether the proposed use would be lawful if it begun on the date of the LDC.
6. S192(2) of the Act sets out that if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case, they shall refuse the application.

Main Issue

7. The main issue is whether the Council's decision to refuse the application was well founded. This turns on whether the appellant can show, on the balance of probability, that the use of the appeal property would fall within Class C3(b), relating to up to six people living together as a single household and receiving care, and does not therefore involve development or require planning permission.

Reasons

8. Parts (a), (b) and (c) of Use Class C3 as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) (the UCO) are all part of the same use class and so changes between them are not development by virtue of s55(2)(f) of the Act.
9. The evidence suggests that the existing lawful use of this mid-two storey terraced property is a dwellinghouse falling within Class C3. The proposed use would be lawful if it can be shown that it would also be a C3 use. However, the Council contend that there is a lack of evidence to suggest that the claimed use would be occupied by those in need of care and about the type of care to be provided.
10. For the use of the property to fall within Class C3(b), it must be a dwellinghouse; there must be no more than six residents; those residents must live there as their sole or main residence; they must live together as a single household; and care is provided for the residents. Class C3(b) envisages an element of care that can be provided by staff. Whether the occupants of the appeal property form a single household is a matter of judgement.
11. In *North Devon DC v FSS & Southern Childcare Ltd* [2003] JPL 1191, the Court held that the definition of 'care' in Article 2 of the UCO restricts the personal care of children to Class C2 only. Article 2 states that: "care" means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in Class C2 also includes the personal care of children and medical care and treatment. The specific linking of care for children with Class C2 appears, by implication, to exclude it from the other classes, including Class C3.
12. The judgement also set out that children cannot form a household without the presence of a care-giver, since they need to be looked after. Thus, to form part of a household, the carers would need to be resident if the other residents are children. In this case, the appellant has confirmed that the support worker or carer shall reside at the appeal property and that there would be no more than six

residents living with shared communal facilities. The residents, according to the appellant, would eat together as a family unit and could make use of the kitchen, dining room and lounge. Each is of a sufficient size for the number of residents who would live at the property. Moreover, the bathroom provision is sufficient for the number of residents who would live at the appeal property.

13. The support worker or carer would support residents in making informed choices about their individual lifestyles depending on their needs and circumstances, though they would not provide nursing, medical care or attention.
14. Although I do not know if the other residents would be children, given that the support worker or carer would live with them, they would, in any event, form part of a single household as their sole or main residence, with the support worker or carer providing an element of care for the other residents. I conclude that this use falls within Class C3(b), within the same class, and would not be development by virtue of s55(2)(f) of the Act. As such, the proposal would be lawful without planning permission being necessary under the Act.

Other Matters

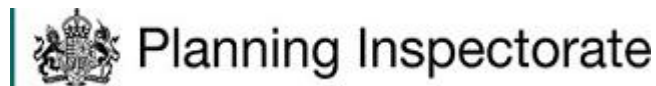
15. An interested party has raised concern about the lack of a notification process, but an LDC relates to the lawfulness of the matter for which the LDC is sought, not its planning merits, such as points raised by interested parties concerning the character of the area, parking, and the type of housing proposed and present in the area. Furthermore, points about egress in the case of an emergency lie outside of the scope this appeal. They are not planning matters in any event.

Conclusion

16. For the reasons given above, I conclude, that the Council's refusal to grant a certificate of lawful use or development for claimed use is not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me in section 195(2) of the Act.

Andrew McGlone

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 30 August 2023 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The use falls within Class C3(b) of The Town and Country Planning (Use Classes) Order 1987 (as amended).

Signed

Andrew McGlone

Inspector

Date: 11 December 2025

Reference: APP/L5240/X/24/3337249

First Schedule

Change of use from a single family dwellinghouse (Use Class C3) to residential household for not more than six residents living together as a single household where care is provided for residents by a full-time resident carer (Use Class C3(b)).

Second Schedule

19 Charnwood Road, South Norwood, Croydon, London SE25 6NT

IMPORTANT NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended). It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.

Plan

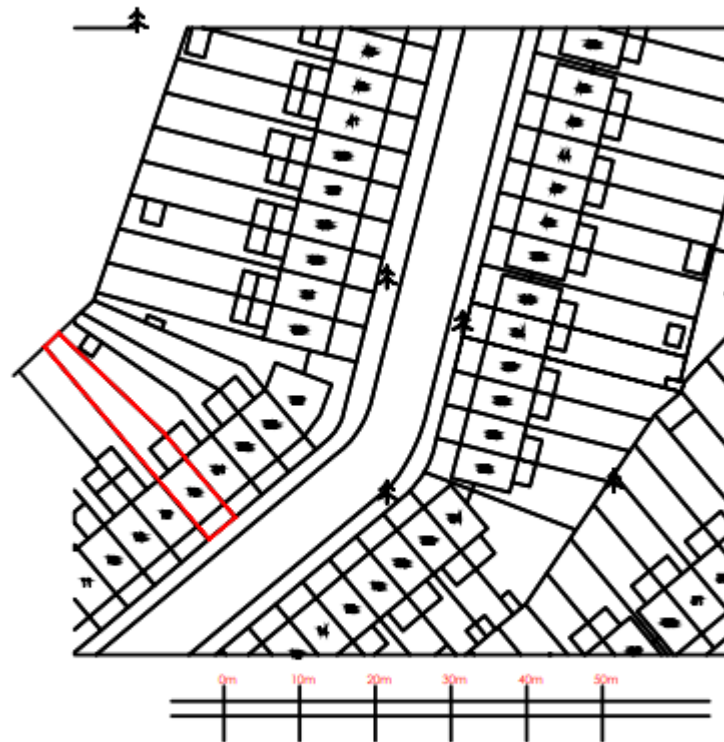
This is the plan referred to in the Lawful Development Certificate dated: 11 December 2025

by **Andrew McGlone**

Land at: 19 Charnwood Road, South Norwood, Croydon, London SE25 6NT

Reference: APP/L5240/X/24/3337249

Scale: Not to Scale



LOCATION PLAN
1:1250