



Appeal Decision

No site visit made

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th February 2026

Appeal Ref: APP/E5330/X/24/3343545

37 Merbury Road, Greenwich, Thamesmead SE28 0GY

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act") against a refusal to grant a certificate of lawful use or development ("LDC").
 - The appeal is made by Mr Samuel Abe of Milestone Global Connects against the decision of the Royal Borough of Greenwich.
 - The application ref 24/0726/CP, dated 3 March 2024, was refused by notice dated 23 April 2024.
 - The application was made under section 192(1)(a) of the 1990 Act.
 - The use for which an LDC is sought is: "We are seeking approval for a Lawful Development Certificate (Proposed) to utilize the four-bedroom mid-terrace house as a provider and manager of children's social care establishments catering to 11–15-year-old looked-after children, operating within Use Class C3(b). This request should be considered lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended). The Lawful Development Certificate is necessary due to our application with Ofsted."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning merits of the proposed development are not relevant to this appeal. Therefore, a site visit would not help me reach a decision. I advised the main appeal parties of my intention to determine the appeal without a site visit.
3. The Council raised concern regarding the late submission of the appellant's statement of case. I acknowledge the appellant submitted their statement of case three days after the deadline. However, the Planning Inspectorate accepted the document. Despite the Council's concern, they responded to the appellant's statement of case and therefore I am satisfied that they have not been prejudiced.

Main Issue

4. The main issue is whether the Council's decision to refuse to grant an LDC for the proposed use was well-founded.

Reasons

5. For an LDC to be granted under section 192 of the 1990 Act, it is necessary for the appellant to demonstrate, on the balance of probabilities, that the use or operations described would have been lawful on the date of the application.
6. The appeal site consists of a dwelling that falls within Class C3(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) ("UCO"). It is proposed to use the dwelling as the provider and manager of children's social care establishments catering to 11–15-year-old looked-after children. The appellant

asserts that the proposed use would fall within Class C3(b) of the UCO. Changes of use within Class C3 are permitted. Therefore, planning permission would not be required for a change from Class C3(a) to Class C3(b).

7. Class C3(b) is defined as a dwellinghouse (whether or not as a sole or main residence) used by not more than six residents living together as a single household where care is provided for residents. A *“single household”* is where the carers and the cared-for live together as a household. The dictionary definition of a household is *“a house and its occupants regarded as a unit”*.
8. The appellant states that the proposed use would accommodate up to four people aged 11-15 that would receive care. The care would include assistance with daily activities, supervision to ensure safety and well-being, and promoting independence.
9. They state that the care model is designed to integrate residents into the community, while maintaining a homely environment rather than an institutional one. They assert that the property would operate in a manner like a standard family dwelling and there would be no significant increase in traffic, noise or other disruptions.
10. Case Law¹ has established that children cannot form a household without the presence of a carer. The appellant asserts that care would be provided. However, I have not been provided with information regarding how many carers there would be; whether a carer would remain permanently on-site; or whether the care would be provided by staff in shifts. If care would be provided in shifts, I have not been provided with information regarding the shift pattern. Furthermore, if a carer is to sleep at the property overnight, I am unclear how they would be accommodated within the four bedroom property when care would be provided for up to four 11-15 year olds.
11. The appellant asserts that the *“individuals will live together in a manner consistent with a single household”*. However, limited evidence has been provided regarding how this would be achieved. Furthermore, evidence is required to demonstrate how the cared-for would live together with the carer(s), not just each other.
12. Accordingly, it is unclear whether a household would be formed.
13. It is stated that the proposal would be *“for up to four people receiving care”*. However, as details have not been provided regarding the carer(s), it is unclear whether the total number of residents living together (i.e. the carer(s) and those that would be cared-for) would not exceed six.
14. The appellant has directed me to various Case Law and appeal decisions which they assert supports their view that properties used for supported living where residents receive care and live together as a single household are consistent with Class C3(b). I acknowledge that supported living where residents receive care can fall within Class C3(b). However, each case must be determined on the evidence provided and its individual merits.
15. Accordingly, in this case, the limited information provided is insufficient and imprecise to demonstrate that, on the balance of probabilities, the proposed use would fall within Class C3(b) of the UCO.

¹ North Devon DC v First Secretary of State & Southern Childcare Ltd [2003] EWHC 157 (Admin); [2003]

Conclusion

16. For the reasons given above, I conclude that the Council's refusal to grant an LDC for *"We are seeking approval for a Lawful Development Certificate (Proposed) to utilize the four-bedroom mid-terrace house as a provider and manager of children's social care establishments catering to 11–15-year-old looked-after children, operating within Use Class C3(b). This request should be considered lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended). The Lawful Development Certificate is necessary due to our application with Ofsted."* is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act.

A Berry

INSPECTOR