



Appeal Decision

Hearing held on 3 March 2026

Site visit made on 3 March 2026

by A Berry MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2026

Appeal Ref: APP/W5780/C/25/3372083

1 Grasmere Gardens, Ilford IG4 5LF

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) ("the 1990 Act").
 - The appeal is made by Mrs Mubashra Zia against an enforcement notice ("EN") issued by the Council of the London Borough of Redbridge.
 - The EN was issued on 1 August 2025.
 - The breach of planning control as alleged in the EN is: "Without planning permission change of use the property from dwellinghouse (Use class: C3) to a children's residential care home (C2)"
 - The requirements of the EN are:
 - i. Cease the use of the property as a children's care home; and
 - ii. Reinstate the single family dwellinghouse; and
 - iii. Remove from the land all building materials and rubble arising from compliance with the steps i-ii above.
 - The period for compliance with the requirements is: No later than 6 months from the date that the notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(b) of the 1990 Act.
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Decision

1. It is directed that the EN is corrected and varied by:

- *the deletion of the words "Without planning permission change of use the property from dwellinghouse (Use class: C3) to a children's residential care home (C2)" and their substitution with the words "Without planning permission, the material change of use of the property from a dwellinghouse (Use Class C3) to a children's residential care home (Use Class C2)" in section 3;*
- *the deletion of the words "i. Cease the use of the property as a children's care home"; and their substitution with the words "i. Cease the use of the property as a children's residential care home (Use Class C2) in section 5;"*
- *the deletion of the words "ii. Reinstate the single family dwellinghouse; and iii. Remove from the land all building materials and rubble arising from compliance with the steps i-ii above" in section 5; and*
- *the substitution of the plan annexed to this decision for the plan attached to the EN.*

Subject to the corrections and variations, the appeal is allowed and the EN is quashed.

Matters Concerning the Notice

2. The allegation identifies the development as *“Without planning permission change of use the property from dwellinghouse (Use class: C3) to a children’s residential care home (C2)”*. For a change of use to amount to development there must be a material change in the character of the use that the land is being put to. Therefore, the alleged breach of planning control is the *“...material change of use of...”* (my emphasis) rather than the *“...change of use of...”*. Therefore, section 3 of the EN must be corrected in this regard. Both main appeal parties’ cases are based on the allegation amounting to development therefore, no injustice would arise from this correction.
3. The allegation described in the EN omits some minor words and expresses the two use classes in different ways. I have corrected the allegation to ensure it is coherent and consistent. As these corrections are for precision, I am satisfied they would not cause injustice to either main appeal party.
4. The first step to be taken requires the appellant to *“Cease the use of the property as a children’s care home”*. It is necessary for the matter described in the allegation to be expressed consistently throughout the EN and therefore, step i. must be varied to accord with the allegation. As this variation is for precision, I am satisfied that it would not cause injustice to either main appeal party.
5. Steps ii. and iii. require the appellant to *“Reinstate the single family dwellinghouse”* and *“Remove from the land all building materials and rubble arising from compliance with the steps i-ii above”*. There is no scope within an EN to require reversion to a lawful use. Furthermore, there would be no requirement to remove any part of the property to remedy the breach of planning control and therefore no building materials or rubble would be generated. Therefore, both these steps should be omitted. As these steps are unnecessary, their deletion would not cause injustice to either main appeal party.
6. At the Hearing, I raised these matters with both main appeal parties who agreed with the suggested correction and variations.
7. The plan attached to the EN identifies the land/premises the subject of the allegation edged red. It includes a detached outbuilding within the rear garden of the property. The use of the outbuilding was discussed at the Hearing. It is clear from the evidence before me that the outbuilding was, and still is, used mainly as an office for Youth Reality Homes Ltd and therefore, forms a separate planning unit from the remainder of the property.
8. At the Hearing, I asked the main appeal parties their views on omitting the outbuilding from the land edged red on the EN plan. Neither party raised an objection. As the correction would reduce the area of land identified by the EN, I am satisfied that it would not cause injustice to either main appeal party. Therefore, I shall correct the plan accordingly and determine the appeal on this basis.

Appeal on Ground (b)

9. An appeal under ground (b) is that those matters stated in the EN have not occurred. The alleged breach (as corrected) is the material change of use of the property from a dwellinghouse (Use Class C3) to a children’s residential care home (Use Class C2). Therefore, to succeed on this ground, the appellant must show on

the balance of probability that the dwellinghouse had not changed to a children's residential care home.

10. Class C3 of the Town and Country Planning (Use Classes) Order 1987 ("UCO") defines a dwellinghouse as being occupied 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 for 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).
11. The UCO states that "*single household*" shall be construed in accordance with section 258 of the Housing Act 2004 which states that persons are to be regarded as not forming a single household unless (a) they are all members of the same family, or (b) their circumstances are circumstances of a description specified for the purposes of this section in regulations made by the appropriate national authority.
12. Class C2 of the UCO relates to residential institutions. It includes "*use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3. Dwellinghouses, used as a sole or main residence)*".
13. Article 2 of the UCO defines "*care*" as: "*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*".
14. The appellant does not dispute that a material change of use from a dwellinghouse (Use Class C3) has occurred, as they agree that the occupants of the property did not (and still do not) form a single household. From the evidence before me and what I saw during my site visit, I have no reason to disagree with the appellant.
15. The appellant, however, does not agree that a material change of use to a children's residential care home (Use Class C2) had taken place at the time the EN was issued.
16. It is the Council's view that as the occupants are under-age; there is no permanent carer on site; and the company operating the property operates over several properties, the use of the property falls within Class C2 of the UCO.
17. The property is located at the end of a terrace on a residential street. It consists of three-storeys, with the third storey contained within the roof space. To the ground floor there is an open-plan kitchen/dining/living room with access into the rear garden, a shower room, and a room that is used as an office.
18. To the first floor there are three bedrooms (one with an en-suite), a bathroom, and a shower room. There is also a small room that at the time of my site visit contained an unmade single bed, a broken wardrobe, two empty and unplugged refrigerators, and various other items. The appellant asserts that this room is used for storage purposes and for occasional use by staff members if sleeping overnight. To the second floor there are two bedrooms.
19. Each bedroom has a lock that requires a key to open it. No cooking facilities are provided within the bedrooms, but each bedroom has a small fridge. Occupants can access all parts of the property, except for the bedrooms of other occupants.

Therefore, the ground floor rooms, bath/shower rooms and garden are communal areas accessible to all occupants.

20. The property is owned by the appellant, who rents it to a company called Youth Reality Homes Ltd. Youth Reality Homes Ltd, in conjunction with the local planning authority, house a maximum of five 16-19 year olds within the property at any one time. The length of time the occupants stay in the property varies from 6 months to 3 years but is typically around 1-1.5 years.
21. If a room becomes vacant, it is the local planning authority that provide Youth Reality Homes Ltd with a new occupant. The occupants do not have a tenancy agreement with Youth Reality Homes Ltd, but they sign a contract with them regarding behaviour, chores etc. while residing at the property.
22. Youth Reality Homes Ltd have a pool of Key Workers that operate on a rotational basis across several properties. Although not permanently based at the property, there is always one Key Worker at the property throughout the day and night. If the Key Worker wishes to sleep, there is a sofa bed in the ground floor office, or there is the single bed in the small bedroom on the first floor. A Service Manager is also in attendance at the property, usually during normal office hours.
23. The appellant asserts that care is not provided to the occupants. Instead, each occupant is assigned a Key Worker from Youth Reality Homes Ltd whose role it is to support them gain skills to help them lead an independent life. Such skills include healthy eating choices, finances, obtaining jobs/education etc. The appellant also states that due to the regulations imposed by Ofsted, they are unable to accommodate children under the age of 16, or those who require medical care or treatment. From the evidence before me, I have no reason to disagree with the appellant's assertions.
24. The occupants undertake their own grocery shopping; they cook and eat their meals independently from the other occupants and the staff; they do their own laundry; they get themselves to and from their places of education or work; and the upkeep of the property (such as hoovering, cleaning, mowing the lawn etc.) is undertaken by the occupants on a rota basis.
25. The Council has provided no evidence to make the appellant's explanation of the property's use less than credible.
26. The Council has directed me to paragraph 16 of the North Devon DC v FSS & Southern Childcare Ltd [2003] EWHC 157 (Admin); [2003] JPL 1191 (*"the North Devon case"*) that states: *"Children need to be looked after. They cannot run a house. They cannot be expected to deal with all the matters that go to running a home...the whole point of these homes is that the children are regarded as needing full-time care from an adult, someone to look after them, someone to run their lives for them and someone to make sure that the household operates as it should."*
27. I accept that legally 16 and 17 year olds are defined as children. However, in contrast to the North Devon case, the focus of Youth Reality Homes Ltd is to enable the occupants to live as independently as possible. Furthermore, the appellant explained at the Hearing that if the occupants were not accommodated within a property such as the appeal site, they would be placed in a flat and required to look after themselves. Consequently, the occupants do not need to be cared for.

28. On this basis, it is my judgement that care, as defined in Article 2 of the UCO, was not taking place at the property.
29. Taking these factors together, on the balance of probabilities, a material change of use of the property from dwellinghouse (Use Class C3) to a children's residential care home (Use Class C2) had not occurred as a matter of fact.
30. It is not necessary for me to go on to determine what use the property is being put. Furthermore, if I were to correct the allegation, the appellant would be deprived of an opportunity to appeal on other grounds. I cannot therefore correct the EN without causing injustice.
31. The appeal on ground (b) therefore succeeds.

Conclusion

32. For the reasons given above, I conclude that the appeal should succeed on ground (b). The EN will be quashed.

A Berry

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Mubashra Zia – Appellant

Aqeel Zia – Appellant's husband

Lee Izekor – Youth Reality Homes Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Gavin Cooper – Development Management Manager BA (Hons), MA, MRTPI

Kathy Schuh – Senior Planning Enforcement Officer BSc (Hons), MA, MSc

Edna Johnson – Principal Solicitor, Legal Services

Balraj Singh – Graduate Planner BSc (Hons)

DOCUMENTS

- 1) A copy of the appellant's statement that was read out at the Hearing.



Planning Inspectorate

Amended Plan

This is the plan referred to in my decision dated: 18 March 2026

by **A Berry MTCP (Hons) MRTPI**

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1 Grasmere Gardens, Ilford IG4 5LF

Scale: Not to Scale

