



Appeal Decision

by Siobhan Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2026

Appeal Ref: APP/W5780/X/25/3363147

6 Lexden Drive, Chadwell Heath, Romford, RM6 4TJ

- 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 Mrs Christina Addison against the decision of the Council of the London Borough of Redbridge.
 - The application ref 0549/25, dated 4 March 2025, was refused by notice dated 13 March 2025.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which a certificate of lawful use or development is sought is: “for the proposed use of the property (C3(a)) as a small home care for children and young people aged 7-18 (C3(b))”.
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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 dwelling house into a children’s care home which is found to be lawful.

Procedural Matters

2. In the banner heading, I have quoted the description of the proposed use from the application form. It is clear from the evidence submitted that what the Appellant is seeking is the change of use from a dwelling to a children’s care home. The Appellant’s position is that both uses fall within Use Class C3 and that even if the children’s home fell within Use Class C2, no material change of use would occur.

Applications for costs

3. The Appellant has made an application for costs against the Council. This will be subject of a separate decision.

Reasons

4. The main issue is whether a refusal to grant the LDC was well founded. This turns on whether the proposed use would fall within Class C3 or Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, and if it falls within Class C2, whether the change of use would be material.
5. The applicant for an LDC is responsible for providing sufficient information to support an application. In the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved.¹ The planning merits of the case are not relevant.

¹ Paragraph: 006 Reference ID: 17c-006-20140306

6. There is no dispute that the current use of the property is Use Class C3(a) which is “use as a dwellinghouse by- (a) a single person or by people to be regarded as forming a single household”. The Appellant says that the change to a children’s care home would represent a change to Class C3(b) which is “use as a dwellinghouse by- ... (b) not more than six residents living together as a single household where care is provided for residents.”
7. To support her case that the use would fall under Class C3, the Appellant has referred to Circular 05/2010. However, this has been withdrawn and no longer exists as Government guidance. I have not been provided with a legacy copy and the Appellant has not explained its relevance with any clarity, except to say that it states that a single household is not defined in the legislation. I therefore give this withdrawn circular minimal weight.
8. Article 2 of the Town and Country Planning (Use Classes) Order 1987 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.*” Care for children is therefore specified as falling within Class C2.
9. *North Devon DC v First Secretary of State [2003] EWHC 157 (Admin)* provides authority for the view that children cannot, as a matter of law, form a household without the presence of a resident caregiver. Carers who provided 24-hour care but were not resident could not be regarded as living together in a household. The resident must live in full time.
10. The Appellant’s evidence repeatedly refers to both “carer” and “carers”. However, although it mentions that there would be two carers, the evidence is vague and ambiguous about on what basis the carers would operate. There is no real explanation from the Appellant about what she means by “resident carer(s)”. She does not say whether the permanent resident carer or carers would reside there every day and every night of the year (i.e. whether it would be their principal home) or whether they would be resident on a shift basis and there would be handovers between them. Because of the lack of detail, and ambiguity I am unconvinced that the arrangement would be as a single household.
11. The appellant has referred to caselaw² to support his claim that that up to 6 people can live together as a C3 use but numbers of occupants are not a disputed matter.
12. The appellant has also referred to two historic Appeal decisions APP/Q5300/X/06/2006017 and APP/G1250/X/08/2089670 but copies of these decisions are not before me. In the absence of the full context, I am unable to draw a comparison between these cases and the current case and so I attach very little weight to them.
13. For the above reasons, the appellant has not persuaded me that the use would remain in the C3 Use Class.
14. Nevertheless, even if the use is Class C2, *North Devon DC* established that the materiality of a change of use is not just established by recognising that there has been a change in the use class. The correct starting point for such an analysis is

² R (Hossack) v Kettering BC [2002] EWCA Civ 886

the existing use of the property compared to its proposed use. The dwelling would provide residential care for up to 3 children and there would be two carers. Therefore, I must compare that to the use of the property as a C3 dwellinghouse. It is reasonable that the 4-bedroom dwellinghouse (as shown on the submitted Existing Plans) might accommodate 2 adults and 3 children.

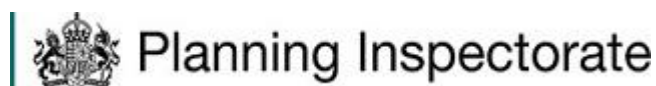
15. The Council say that no information has been provided about the specific needs of the children. However, the Appellant says that the home would be for children from a trauma background but they would not need medical attention. She says that visitors to the home would be relatives and also social workers who would visit once a month. It is not clear whether this means if each child is visited by a social worker once a month on separate occasions or whether a social worker visits the premises once a month to visit all children at once. For the purposes of this appeal, I will assume that there would be 3 social worker visits per month.
16. Given these details I have no reason to conclude that the comings and goings or parking demands would differ to that of a family dwelling. I consider that the general activity in and around the dwelling would not be significantly different to that of a family house. Families tend to have friends, relatives and other people who may visit a house too.
17. I will also take into account off-site effects. The Council says that there would be a loss of a family dwelling. However, they have not provided much information about this. I note the 3-bedroom requirement in Local Plan Policy LP6 and I accept that family housing is needed in the borough. This is not unusual. However, even if the need or shortage is significant, the loss of one family house would be a tiny proportion of all the family dwellings in Redbridge and therefore, its loss could only have a negligible impact on the overall supply.
18. I note the Council's concerns about children from out of the borough being accommodated and their additional impacts on education, justice services, welfare services, the NHS and social housing services. I have no substantive evidence that the small number of children accommodated could have a material effect on area wide services. Moreover, anyone living in the house as a C3 dwelling might come from out of the borough and make use of those services anyway. The accommodation already exists, so the proposal does not increase the local population. Therefore, I do not consider that there would be a significant planning consequence in relation to public services as a whole.
19. The Council refers to Local Plan Policy LP4 which requires care home proposals to meet a demonstrable need in the borough. However, I do not consider need to be a factor when determining whether a material change of use would occur.
20. I conclude that, as a matter of fact and degree, there would not be a significant difference in the character of the activities between the family dwelling house and a care home for up to 3 children. A material change of use would therefore not occur.

Conclusion

22. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for a children's care home 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 1990 Act (as amended).

Siobhan Watson

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 4 March 2025 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:

Signed

Siobhan Watson

Inspector

Date: 27 March 2026

Reference: APP/W5780/X/25/3363147

First Schedule

Change of use of dwelling to a children's home for up to 3 children and two full time members of staff.

Second Schedule

Land at 6 Lexden Drive, ROMFORD, RM6 4TJ

IMPORTANT NOTES – SEE OVER

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: 27 March 2026

by Siobhan Watson

Land at: 6 Lexden Drive, ROMFORD, RM6 4TJ

Reference: APP/W5780/X/25/3363147

Scale: Not to Scale

