



Appeal Decision

by Ms S Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 April 2026

Appeal Ref: APP/L5240/X/24/3353683

377 Davidson Road, CROYDON, CR0 6DR

- 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 Mr Khon Dawkins against the decision of the Council of the London Borough of Croydon.
 - The application ref 24/02073/LP, dated 15 June 2024, was refused by notice dated 27 August 2024.
 - The application was made under section 191(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 the use of dwelling for not more than six residents living together as a single household where care is provided for residents.
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Decision

1. The appeal is dismissed.

Reasons

2. 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. If it does the use would be lawful without a separate grant of planning permission. If it does not, but falls instead within Class C2, the use would be lawful if no material change of use would occur.
3. 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.
4. 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 of use 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.”
5. 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.”*

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

6. The proposal is for up to 6 people living in the house, although the supporting statement says that there would be 5 people. The plans indicate 5 en-suite bedrooms, an office, a living room, kitchen/diner and utility room. The appellant says the residents would have autism and associated health issues. The purpose of their stay is to enable them to “get back on track” and to “carry on with their lives independently after moving on”. They may attend college or work, perhaps part time or on a voluntary basis, whilst living there. The accommodation would be a “home from home” environment.
7. I have had regard to *North Devon District Council v First Secretary of State [2003] JPL 1191* and *Crawley Borough Council v First Secretary of State & The Evesleigh Group [2004] EWHC 160 (Admin)*. To constitute a household, it is not necessarily the case that carers should live with disabled occupants but the degree of care required is relevant. Household and membership of it is not defined and is a question of fact and degree.
8. Staff would not live in the house and would work shifts. There would be no more than four members of staff on site at any one time and at night there would be two members of staff. This is a high staff to resident ratio. Overall, I consider that the proposal indicates a high level of care for 5 people. Given this high degree of round-the-clock help and intervention, I do not consider that the residents within the house can sensibly be said to constitute a household.
9. Therefore, the house would not remain in C3 Use and there would be a change of use to Class C2. I must determine whether this change of use would be material. The correct starting point for such an analysis is the actual use of the property compared to its proposed use.
10. The existing plans show 5 bedrooms and two reception rooms. Its use is C3(a) and therefore, given its size, it is not unreasonable to assume that a family would occupy it. The proposed use would involve up to 9 people on site at any one time, including up to 4 carers. This is significantly more people than you would ordinarily expect in a family house and it is not the norm for family houses to have 4 carers working within them.
11. The additional people would add to the sources of noise within the house and as it is a terraced house, noise would inevitably transmit through the walls. In addition, there would be comings and goings from all of these 9 people, including movements arising from shift handovers. The demand for parking is likely to be greater than a family house due to the presence of staff.
12. Even if I were to ignore any likely environmental effects, the proposed use would clearly be a more intensive use of the property than you would expect from a family house and it would be of a different nature. I consider that it would be significantly different in character to a C3(a) dwelling. Therefore, it would constitute a material change of use for which planning permission is required.
13. The appellant has referred to other decisions. I do not have full details of the LDC that was granted by the Council for 79 Milton Road. In any event, I am not required to follow other Council decisions. In respect of appeal decision APP/C5690/X/20/3251459, I acknowledge that on face value, that case appears similar to this one but I have determined this appeal on its own merits and the reasons for my different conclusion are explained in this decision.

Conclusion

14. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for the use of dwelling for not more than six residents living together as a single household where care is provided for residents 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 (as amended).

Ms S Watson

INSPECTOR