



Appeal Decision

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP

an Inspector appointed by the Secretary of State

Decision date: 4 June 2026

Appeal Ref: APP/W5780/X/25/3359316

23 Sunnymede Drive, Barkingside, Ilford, Redbridge IG6 1JU

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Suaz Investments Ltd against the decision of the Council of the London Borough of Redbridge.
- The application Ref 2845/24, dated 15 October 2024, was refused by notice dated 31 October 2024.
- The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 as amended (the Act).
- The use for which a certificate of lawful use or development is sought is change of use from C3 dwellinghouse to C3(b) Children Care Home.

Decision

1. The appeal is dismissed.

Procedural Matter

2. No site visit was necessary for me to determine this LDC appeal, which turns as it does on the issue of lawfulness and the evidence submitted. Accordingly, I have made a Decision on the evidence before me.

Main Issue

3. The main issue in this appeal is whether the Council's reasons for refusing the LDC were well-founded.

Reasons

4. The appellant sought the LDC on the basis that that no material change of use would occur, as the application proposed use of the premises for another purpose of the same class within the Town and Country Planning (Use Classes) Order 1987 as amended (UCO). Were that the case, then the proposal would not have amounted to development by reason of section 55(2)(f) of the Act.
5. However, both the Council and the appellant¹ appear now to agree that - as a matter of fact - what is being sought is a certificate for a change of use from a C3 dwellinghouse to a C2 residential institution. As these purposes involve different Use Classes, section 55(2)(f) of the Act does not apply. I have no good reason based on what I have read of the proposal to disagree with this common ground between the main parties, being also cognisant of the cited case of *North Devon DC v FSS* [2003] EWHC 157 (Admin).

¹ Grounds of Appeal: "The residence proposed at the appeal site supports children with one full time care giver and will be called C2 since the children would not make a householder on their own and therefore cannot make C3(b)."

6. The proposal would materially change the character of the use since I find, as a matter of fact and degree, that there would be a significant difference in the character of the activities from what has gone on previously (a residential institution providing accommodation and care, in contrast to use as a single household dwellinghouse).
7. The use as a dwellinghouse fulfils a planning purpose as a 3-bed house (supported by Policy LP5 of the Redbridge Local Plan 2015-2030, due to the significant need for larger homes in the Borough as identified in the Outer North East London Strategic Housing Market Assessment). The planning impact arising from the loss of this use is relevant in my finding that a material change of use would occur.
8. Consequently, the development would require planning permission to be lawful.
9. The appellant has briefly referenced a number of other cases dealt with by the Council. However, I have not been provided with any documents associated with those cases to consider (and it is not clear whether the appellant is referring to LDC or planning applications). In any case, I have considered the lawfulness of the particular matter before me.

Conclusion

10. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development was 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.

Andrew Walker

INSPECTOR