



Appeal Decision

No site visit

by V Bond LLB (Hons) Solicitor (Non-Practising)

an Inspector appointed by the Secretary of State

Decision date: 6 July 2026

Appeal Ref: APP/L5240/X/25/3368130

8 Ringwood Avenue, Croydon, CR0 3DU

- 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 Open World 2 Limited against the decision of the Council of the London Borough of Croydon.
 - The application ref 25/01369/LP, dated 19 April 2025, was refused by notice dated 9 June 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 'Proposed use of 8 Ringwood Avenue, Croydon CR0 3DU, UK as a residential care home C3(b) for up to 3 young persons with learning disabilities or mental health problems in need of care, but living as one household. They would be cared for by 1 full time carer who would be resident at the premises 24 hours - having staffroom/office provided at loft level and accommodation at first floor level as shown on the submitted plans. The 3 young people needing care will be between 11 - 17 years old and will be living at the property as their principal residence. For more details about the proposed use, please see the attached planning statement and the supporting statement which we have submitted with the application'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In view of the nature of the submitted evidence and of the appeal grounds, it was assessed that a site visit was not necessary and that the appeal could be determined 'on the papers'. Neither party raised any objection to this approach.
3. The LPA requested to be able to submit their appeal statement after the prescribed deadline. This request was rejected as a retrospective request and in the absence of exceptional circumstances being put forward.

Main Issue

4. The main issue is whether the LPA's decision to refuse a LDC is well-founded. This will turn on whether the proposed use would fall within Class C3(b)¹ and if not whether the use proposed use would represent a material change of use (MCU).

Reasons

5. In a LDC application, the onus is on the appellant to show that the proposed use would be lawful if begun as at the date of the application. Planning merits are not relevant to the assessment which is based upon the case facts and legal authority.

¹ of Part C of Schedule 1 to the Town and Country Planning (Use Classes) Order 1987 as amended (UCO)

6. Per section 191(2) of the 1990 Act² a use is lawful if no enforcement action may be taken in respect of it whether because it did not involve development or require planning permission or because the time for enforcement action has expired. Section 55(1) of the 1990 Act sets out the meaning of development, which includes the making of any MCU. It is provided in s55(2)(f) that for buildings/land used for a purpose of any class specified in the UCO, the use of the buildings or other land for any other purpose of the same class shall not be taken to involve development.
7. There is no dispute that the lawful existing use of the property is as a Class C3(a) dwelling. The proposal as described in the application form was for use as the principal residence of three young people with learning disabilities or mental health problems and needing care aged between 11 and 17 years old. The children would be cared for by one full-time carer who would be 'resident at the premises 24 hours' as their 'primary place of residence'.
8. It is indicated that the group would live as one household, sharing communal facilities such as the kitchen, living room, garden space, toilets, showers and laundry, and that they would 'be eating their main meals together at the dining table, at the same time and socialising together as one single family'. The children would be 'encouraged to actively join in with preparing and making their own drinks, and snacks as part of development of new skills to promote independent living'.
9. The responsibilities of the designated carer are intended to be 'supportive roles to enable the residents to live as a single household' including meal planning and assisting with meal preparation, help with food shopping, fresh food management, assistance with laundry, ensuring residents are dressed appropriately, maintaining property cleanliness, managing resident conflict, relationships, house rules and discipline, offering reminders for medication and medical appointments, ensuring safety of the premises and bill payment, help with homework/school runs as required, and undertaking risk assessments and administrative paperwork.
10. Only limited internal changes would be proposed to accommodate the proposed use and the arrangement would essentially comprise of a bedroom, bathroom, utility and open plan kitchen/dining room and lounge at ground floor level. At first floor would be two bedrooms, a bathroom, along with a carer bedroom. The loft level would then accommodate an office and bathroom. The appellant comments that while the children resident would be 'brought together because of their common need for supported living, the living environment within the dwelling would remain unchanged from existing'.

Whether or not proposed use falls within Class C3(b)

11. Class C3(b) is comprised of use as a dwellinghouse (whether or not as a sole or main residence) by 'not more than six residents living together as a single household where care is provided for residents'. The term 'care' is defined in the UCO 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'. The appellant contends that the residents would be a single household and that the use would fall within Class C3(b).

² Town and Country Planning Act 1990

12. It was held in the *Hossack*³ judgment that the limit in Class C3 to no more than six persons is an important consideration in the assessment of whether residents form a single household, outlining that *'the smaller the number of occupants, the more intimate, integrated and cohesive their occupancy is likely to be and the more apt, therefore, to describe it as a single household'*. The appellant emphasises in this regard that there would be only three 'service users'/children in occupation, along with one resident carer.
13. In *Barnes*⁴, several helpful factors were identified as relevant to the assessment as to whether or not occupiers form a single household. The appellant has summarised these as: 'i) whether the residents arrived in a single group or were independently recruited by the landlord; ii) the extent to which the facilities were shared; iii) whether the occupants were responsible for the whole house (including the common parts) or just their particular rooms; iv) the extent to which the residents can and do lock their doors; v) the responsibility for filling vacancies: whether that of the existing occupants or the landlord; vi) the allocation of rooms: whether by the occupants or the landlord; vii) the size of the establishment; viii) the stability of the group; ix) the mode of living: to what extent communal and to what extent independent'.
14. The appellant does not appear to contend that the children on their own would be capable of constituting a household but highlights the presence of the proposed full-time carer who would be 'resident at the premises 24 hours' as their primary residence and who would be providing 'full-time care in the day and in the night'.
15. However, as the LPA comments, there is a lack of detailed/precise information as to the proposed working arrangements or shift pattern for the live-in carer including at times when the live-in carer has days off or annual leave periods, and whether or not the single bedroom would be shared on a rota basis. Neither is detailed information provided as regards proposals for the pool of replacement live-in carers during periods of absence.
16. I acknowledge the limited internal changes and proposals for shared facilities and a communal mode of living. I accept also that the modest number of residents would point towards a more intimately integrated arrangement that is more aligned to single household occupation. However, there is very limited information as to the likely range of needs of the children who are proposed to be resident or as the expected length of stay of occupants such as to inform an assessment as to how likely they are to develop a sense of cohesion consistent with a single household.
17. Finally, I note that while application documents reference 'service users'/residents between ages 7-11 years, appeal documentation indicates the age range as 8-18 years. While 18 year olds represent adults, in the circumstances, the same lack of precise information as to support needs and expected duration of occupation would have applied equally irrespective of the age of service users.
18. I find then on the available evidence that the appellant has not shown on the balance of probabilities that the residents would form a single household. As such, the proposed use would not fall within Class C3(b) and would likely represent a Class C2 use⁵.

³ *R (oao Hossack) v SSE & Kettering BC* [2002] EWCA Civ 886

⁴ *Barnes v Sheffield CC* [1995] 27 HLR 719

⁵ As use for the provision of residential accommodation and care to people in need of care (other than a use within class c3)

Whether or not a MCU

19. In order to assess whether a MCU has occurred, a comparison needs to be made between the proposed use and the old use as it actually took place, rather than a notional use or level of occupation that might fall within the lawful existing use class. For a MCU to occur, there must be some significant difference in the character of the activities from what has gone on previously. The assessment is a matter of fact and degree to be determined on the available evidence.
20. The appellant comments that the proposed use is not 'materially different' to the current lawful use albeit this is in the context of a submission that the proposed use falls within Use Class C3(b); no detailed submissions are made as to whether or not the proposed use would otherwise represent a MCU.
21. Although I have no detailed information as to the use as it was occurring as at the date of the LDC application, existing floor plans are indicative of an occupancy level similar to that proposed, with potentially a resultant reduction of occupants in the appeal proposal by reason of the replacement of a double loft bedroom with a single first floor bedroom.
22. While the proposed use is intended to entail a communal mode of residential living typical of a single household, I have very limited information as to the likely support needs profile of the potential child residents or as to whether the children might be related to each other so as to be able to properly assess the likelihood/likely frequency of visits from social workers, tutors, family members and health professionals. Very little information is available either as to shift patterns for the live in carer or regarding likely occupancy durations of the children in order to assess the impacts of these aspects.
23. The proposed use could then result in a number of visitors, as well as the residents themselves, being present at any one time in the appeal dwelling, with potentially numerous comings and goings throughout the day and representing a very different pattern of use than would be expected from a single household family dwelling.
24. As such, on the evidence before me, the comings and goings in connection with the proposed use would likely be notably different than would be expected to have occurred in connection with the existing Class C3(a) use, and overall the changes would amount to a significant change in the character of the activities before and after the proposed change. Consequently, I find as a matter of fact and degree that the appeal proposal would represent a MCU and would not be lawful in the absence of a specific grant of planning permission.

Conclusion

25. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for the proposal described in my banner heading above 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).

V Bond

INSPECTOR