



Appeal Decision

Site visit made on 12 August 2026

by D A Hainsworth LL.B(Hons) FRSA Solicitor
an Inspector appointed by the Secretary of State

Decision date: 8th September 2026

Appeal Ref: APP/P4605/X/25/3370610

121 Grove Lane, Handsworth, Birmingham B20 2HF

- The appeal is made by Aryan Sharma under section 195 of the Town and Country Planning Act 1990 against a refusal by Birmingham City Council to grant a lawful development certificate.
- The application Ref: 2024/05405/PA, dated 20 August 2024, was refused by notice dated 23 April 2025.
- The application was made under section 192(1)(a).
- The development for which the certificate is sought is described on the notice as "the proposed change of use of the application premises from a dwellinghouse (Use Class C3) to operate as a supported living residential accommodation for 3 adults with learning disabilities or mental health problems and 2 permanent residential carers (Use Class C3(b))".

Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use relating to the use described in the certificate, which I consider would be lawful if instituted at the time of the application.

Reasons for the decision

2. Section 195 requires an assessment to be made as to whether the Council's refusal of the application is or is not well-founded. The assessment is based on the lawfulness of the proposed use at the time of the application. I am aware that there have been several objections to the proposed use based on planning policies and community concerns, but my decision must be based on legal grounds only. The planning merits of the proposed use are not relevant to the appeal and there is no planning application before me.
3. The Council refused the application for the following reason: -

"The submitted information has failed to demonstrate that the residents would live together as a single household and as such the proposed use of the property would not fall within Use Class C3(b) of The Town and Country Planning (Use Classes) Order 1987 (as amended)."

4. Class C3 of the Order is as follows:

“Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) 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).”

- 5. The current authorised use of the house is within Class C3(a). The appellant maintains that the proposed use would be in Class C3(b). By virtue of Article 3(1A) of the Order, planning permission is not required for a change from C3(a) to C3(b).
- 6. The term “single household” is defined by the Order for the purposes of C3(a) only. It is not defined where it is used in C3(b), either by the Order or elsewhere in planning legislation, and therefore should be given its ordinary everyday meaning. This would include a group of two or more unrelated people living in a self-contained dwelling who shared living room or sitting room space and shared cooking, dining, washing and toilet facilities, and who may or may not have their own bedroom space.
- 7. The information provided by the appellant is that the proposed use would house five people - three adults who would receive care and two carers. They would all live together in the house on a permanent basis, subject to change when vacancies arose. The living room, kitchen and bathrooms would be in communal use. There would be no self-contained accommodation. The carers would encourage the other residents to conduct cleaning and shopping themselves and to work with one another to create a functioning supported household, with help from the carers who would be members of the household assisting with personal care. Additional carers would attend the house on a rota basis to provide further support.
- 8. The Council maintain that, given the detailed shift pattern and onerous duties of the carers, it is difficult to see that the cared-for residents would perform household duties, such as cooking, cleaning and shopping, or live as a single household capable of running the house as a conventional residential dwelling. The Council conclude that the carers would in fact be running the household for the cared-for.
- 9. I do not find the Council’s arguments convincing. C3(b) expressly provides for residents to live together in a house and to be provided with care. Court decisions have established that adult residents in need of care are not precluded from constituting a household and that the care can be provided by both resident and visiting carers. In my opinion, as a matter of fact and degree, the proposed use would be as a single household in the ordinary everyday meaning of the term.
- 10. The Council’s decision to refuse the application for a certificate of lawful use is therefore not well founded, because sufficient supporting information has been

provided to demonstrate that development requiring planning permission would not occur. Accordingly, the appeal has been allowed and an appropriate certificate has been granted.

D.A.Hainsworth

INSPECTOR



Certificate of Lawful Use

APPEAL REFERENCE APP/P4605/X/25/3370610
TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192

THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39 & SCHEDULE 8

IT IS CERTIFIED that on 20 August 2024 the use described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and shown edged and hatched in black on the plan attached to this certificate would have been lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990, for the following reason:

By virtue of section 55(2) of the Town and Country Planning Act 1990 and article 3(1A) of the Town and Country Planning (Use Classes) Order 1987, the proposed change of use from Class C3(a) to Class C3(b) of Part C of Schedule 1 of the Order would not have involved development.

D.A.Hainsworth

INSPECTOR

Dated: **8th September 2026**

First Schedule

Use as supported-living residential accommodation for three adults with learning disabilities or mental health problems and two permanent residential carers.

Second Schedule

121 Grove Lane, Handsworth, Birmingham B20 2HF

Notes

1. This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990.
2. It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful on the specified date and, therefore, would not have been liable to enforcement action under Part VII of the 1990 Act on that date.
3. This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use that is materially different from that described or which relates to any other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is qualified by section 192(4) of the Act, which states that the lawfulness of the use is only conclusively presumed where there has been no material change, before the use is instituted, in any of the matters relevant to determining such lawfulness.



Plan attached to Certificate of Lawful Use

121 Grove Lane, Handsworth, Birmingham B20 2HF

Appeal reference: APP/P4605/X/25/3370610

This is the plan attached to the Certificate of Lawful Use
dated: 8th September 2026

D.A.Hainsworth
INSPECTOR

