



Appeal Decision

Site visit made on 15 September 2026

by Siobhan Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2026

Appeal Ref: APP/W5780/X/25/3361999

2A Hall Road, Chadwell Heath, Romford, RM6 4LH

- 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 Samuel Nwigwe against the decision of the Council of the London Borough of Redbridge.
 - The application ref 0418/25, dated 19 February 2025, was refused by notice dated 4 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 a home for three children or young people aged 7-18 with two resident carers living together as a single household (C3b).
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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.

Applications for costs

2. An application was made for costs by Mr Samuel Nwigwe against the Council of the London Borough of Redbridge. This is subject of a separate decision.

Preliminary Matters

3. In the banner heading I have used the appellant's description of the proposed use as set out in 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. There would be 3 children and 2 members of staff.

Main Issue

4. The main issue is whether the 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.

Reasons

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 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 not more than six residents living together as a single household where care is provided for residents.
7. To support his case that the proposed use would remain under Class C3, the Appellant has referred to Circulars 03/05 and 05/2010. However, these have been withdrawn and no longer exist as Government guidance. The appellant has not provided any legacy copies and it is unclear what point he was trying to make by reference to them. I therefore give them 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** (my emphasis) and medical care and treatment." Care for children is therefore indicated 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 judge said "what is required is indeed residential care with a carer living in full-time and looking after those in the premises who otherwise would be unable to live as a household."
10. The Appellant says that the three children, aged 7-18, would have care provided throughout the day and night by 2 permanent/resident carers. However, although he mentions that there would be two carers, the evidence is vague and ambiguous about on what basis the carers would operate. He uses the words "permanent" and "resident" interchangeably without explaining what he means by each word.
11. The Appellant does not say whether the permanent / resident carer would reside there every day and every night of the year, like a parent, or whether they would reside there on a shift basis. Given that the carers would be staff, there would be limits on the hours they could work so it seems improbable, in the absence of further explanation, that one carer would permanently work and reside in the home. Therefore, I am unconvinced that the arrangement would be as a single household.
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, I am not persuaded by the appellant's evidence that the proposed use would remain in Use Class C3. I consider that the use would fall into Use Class C2.
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 the existing use of the property compared to its proposed use. Therefore, I must compare that to the use of the property as a C3 dwellinghouse. It is reasonable that the 4-bedroom house might accommodate 2 adults and 3 children.

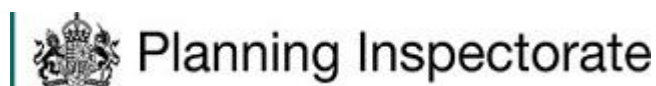
15. The appellant says that the three children, from a trauma background, would be living a communal life and that they would not need nursing care. The two carers would share communal facilities and would participate in domestic and leisure activities with the residents. There may be visits from family members and by social services.
16. 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. Based on the above information, I have no reason to conclude that the comings and goings or parking demands would differ to that of a family dwelling.
17. 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

18. 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).

Siobhán Watson

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(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 19 February 2025 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged 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: The change of use would not be material.

Signed

Ms Watson

Inspector

Date: 25 September 2026

Reference: APP/W5780/X/25/3361999

First Schedule

Change of use from a dwelling to a children's care home for 3 children (up to age 18) and 2 members of staff.

Second Schedule

Land at 2A Hall Road, Romford, RM6 4LH

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 191 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 was /were 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.

Plan

This is the plan referred to in the Lawful Development Certificate dated: 25 September 2026

by Siobhan Watson

Land at: 2A Hall Road, Romford, RM6 4LH

Reference: APP/W5780/X/25/3361999

Scale: Not to Scale

