

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: D0025.25

WARD: Mawneys **Date Received:** 17th January 2025

ADDRESS: 61 Havering Road
Romford

PROPOSAL: Certificate of Lawfulness for the change of use from dwelling (Use C3(a)) to a care home for the support of six people (Use Class C3(b)).

DRAWING NO(S): 61HR/20 Issue A
61HR/21 Issue B
61HR/22 Issue A
61HR/23 Issue A
61HR/24 Issue A
61HR/25 Issue A
61HR/26 Issue A
61HR/27 Issue B
61HR/28

RECOMMENDATION: It is recommended that a **Certificate of Lawfulness not be issued in this case** for the reason(s) given at the end of the report

SITE DESCRIPTION

The site comprises of a two storey detached property at No. 61 Havering Road, Romford.

DESCRIPTION OF PROPOSAL

A Certificate of lawfulness is sought for a change of use from a dwelling (Use C3(a)) to a care home for the support of six people (Use Class C3(b)).

The proposal is to confirm whether the proposal is deemed to be permitted development.

This is not a planning application and therefore the merits of the case do not come into consideration. The decision whether to grant or refuse a certificate is a matter of fact and law.

The application form states that the proposal has not been started.

During the course of the application, the agent submitted revised plans, as the original plans featured kitchenettes to all of the six bedrooms. The kitchenettes were removed from the revised

plans.

It is noted that the application site outlined in red on Drawing No. 61HR/28 is smaller than that shown on the Land Registry Title Plan, but this has not affected the determination of this Certificate of Lawfulness application.

RELEVANT HISTORY

ENF/22/25	Change of use to a house in multiple occupation (HMO licence received)
D0540.24	Certificate of lawfulness for proposed demolition of existing garage and erection of a rear outbuilding.
	Awaiting Decision

CONSULTATIONS/REPRESENTATIONS

Two letters of objection were received with detailed comments that have been summarised as follows:

- The property has recently been converted into an HMO and is occupied by a number of people.
- There is no parking on the road, as there are chevron markings of the zebra crossing to the front of the site due to the pedestrian crossing.
- Parking for residents is either in their front gardens or there is permit parking elsewhere in Havering Road.
- Reference was made to a Certificate of Lawfulness at 61 Havering Road, reference D0540.24, for the proposed demolition of an existing garage and the erection of a rear outbuilding- Planning permission is required.
- There is space for two cars at the front of 61 Havering Road.
- The change of use has resulted in increased traffic and pedestrian movements.
- Pedestrian and highway safety issues.
- It is alleged that people have utilised the off street parking of neighbouring properties without permission and impeded their access.
- Concerns that the proposal would increase the number of vehicles that will need to access the property, which may impede access to the pedestrian crossing, which is heavily utilised and may result in accidents.
- Object to the proposed change of use given the size of the care provision that is being proposed.
- This is not a suitable location for such a property given that there is a school nearby.

RELEVANT POLICIES

The application is for a Lawful Development Certificate for the proposed change of use from a dwelling (Use Class C3(a)) to a care home for the support of six people (Use Class C3(b)).

STAFF COMMENTS

There is an enforcement case, reference ENF/22/25 for the change of use to a house in multiple

occupation (HMO licence received), which is under investigation.

In accordance with the current protocol for site visits, an in-person site visit was not considered to be necessary. Site photos were provided by the agent in support of the application. In determining this planning application, photos, Google Street View™, aerial view images and submitted drawings were used to assess the site constraints.

The main issue is whether the proposed use requires planning permission or is a material change from the lawful use as a single dwellinghouse falling within Class C3(a), taking into consideration the Town and Country Planning (Use Classes) Order 1987 (as amended) (UCO).

Section 55 of the Town and Country Planning Act notes that changes of use of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class effectively is excluded as being development and does not require planning permission.

The Planning Statement states that: "The proposed use will be a care home for six residents, which are aged between 18 to 65+ years. The proposed use of the home is for six residents living together as a single household where care is provided for them. There would be no carers staying overnight, as there would be multiple shifts. There would be a 24 hours shift pattern for giving care, as the maximum allowable working time for each care giver will be 12 hours. There will be adequate number of care-giver per service users depending on the individual care requirements of each service user, however, it is currently assumed that 1 to 1 care will be adequate throughout the hours of 8am to 8pm. It is currently programmed that there will be 1 waking night care-giver through the hours of 8pm to 8am. The support workers or carers would not reside at the application premises on a permanent basis. The running of the home will echo a regular family environment. There will be six bedrooms with en-suites in the property with a living, kitchen and dining. The mode of living is communal like any other family home. It can be ensured that there is no increase in the number of comings and goings as would be expected from a single dwelling. It is considered that the proposed use would operate as a care home".

It is considered that insufficient information has been provided for this application, including the type of care residents would receive, how carers would travel to the site, the level of car parking provision and who would utilise the car parking space and garage and what type of visitors would go to the building and if so, how often? (e.g. doctors, nurses, relatives of residents).

The proposed plans show a kitchen of 9.13m² and a room used as communal space with a floor area of 12.51m². It is not clear how the communal space would be used e.g. as a lounge. There doesn't appear to be a space for the residents to eat together e.g. a dining room. The proposed plans do not show the internal layout of the property e.g. the kitchen doesn't show the cupboards, sink, fridge, washing machine, worktop, etc. It is considered that there would be insufficient communal space for six adults and there is no dining room. In addition, there is no comprehensive evidence or information to robustly demonstrate how the six people would live together and form a single household.

The main consideration is whether the proposal would result in a material change to the dwelling in order to facilitate the overall intended operation of the residential accommodation providing care. Whilst the operations undertaken on site represent formal care which require different professionals

including social workers and key workers, the level of care and the living conditions would differ significantly to a single household. Therefore, it can be concluded that the nature of the operation would be materially different to the lawful use as a single dwelling within Class C3.

Also, there are concerns regarding the intensification of use of the property, as there would be six adults and six carers throughout the hours of 8am to 8pm. There would be six adults and one waking night care-giver between 8pm to 8am. It is considered that the proposed use would result in increased levels of activity from pedestrian and vehicular movements, which would constitute a change of use as well as resulting in noise and disturbance. It is considered that this intensive use of the property would be materially different from how a single household would utilise the dwelling.

There are concerns that the proposal would result in parking issues and increased vehicular movements, given that the proposal would accommodate six adults and six carers. The plans show one car parking space and a garage, although it is not clear who would utilise these. There are chevrons to the front of the site due to the pedestrian crossing and there are double yellow lines adjacent to the site in Havering Road. In addition, the site is located opposite Parklands Primary School. It is considered that insufficient information has been provided for this application, including how carers would travel to the site, who would utilise the car parking space and garage and what type of visitors would go into the building, how often and how would they travel to the site.

It is considered that the proposed use would fall under Class C2 (Residential institutions), which requires planning permission, as it is not within the same use class as a single dwelling house.

KEY ISSUES/CONCLUSIONS

It is considered that the nature of the operation would be materially different to the lawful use as a single dwelling within Class C3. Also, there are concerns regarding the intensification of use of the property, as there would be five adults and six carers throughout the hours of 8am to 8pm. It is considered that there would be insufficient communal space for six adults and there is no dining room. In addition, there is no comprehensive evidence or information to robustly demonstrate how the six people would live together and form a single household. It is considered that the proposed use would fall under Class C2 (Residential institutions), which requires planning permission, as it is not within the same use class as a single dwelling house.

RECOMMENDATION:

It is recommended that a **Certificate of Lawfulness not be issued in this case** for the following reason(s)

1 Cert of Lawfulness - Reason for Refusal

Insufficient information has been provided as to the level of care and how the residents would form a single household. Based on the proposed plans and supporting information that has been provided, the nature of the operation would be materially different to the lawful use as a single dwelling within Class C3 in terms of nature of accommodation, layout and intensification of use of the property. The proposed use would fall under Class C2 (Residential institutions) and would require separate planning consent.

Authorising Officer:

Simon Thelwell

Simon Thelwell

25th April 2025