

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: D0010.25

WARD: Squirrels Heath **Date Received:** 9th January 2025

ADDRESS: 34 Lewis Road
Hornchurch

PROPOSAL: Certificate of Lawfulness for use of premises within Class C3(b) with a maximum number of 4 residents (aged 18+) and one carer on a 7 hour rota basis (day and night)

DRAWING NO(S): ENV/AAPL2 0001 Rev B
ENV/AAPL2 0101 Rev D
ENV/AAPL2 0201 Rev B
Location Plan
Design and Access Statement
Email from Agent to Case Officer (dated 14/03/2025)
Emails from Agent to Case Officer (dated 28/03/2025)
Email from Applicant to Case Officer (dated 28/03/2025)
Email from Agent to Case Officer (dated 20/05/2025)
Email from Agent to Case Officer (dated 17/11/2025)

RECOMMENDATION: It is recommended that a **Certificate of Lawfulness be issued** in accordance with the details given at the end of the report

SITE DESCRIPTION

The application site features a two storey semi-detached dwelling. It benefits from a side extension.

The property is neither in a conservation area nor a listed building.

DESCRIPTION OF PROPOSAL

A Certificate of Lawfulness is sought for the change of use of the dwelling to use class C3(b) for supported living.

RELEVANT HISTORY

P1010.25 Retrospective application for a garage conversion to habitable use to include a side infill extension

	Awaiting Decision	
E0018.25	Certificate of lawfulness for existing single storey side extension to facilitate conversion of garage to habitable use	
	Withdrawn	19-06-2025
E0064.24	Certificate of lawfulness for existing single storey side extension to facilitate conversion of garage to habitable use	
	Withdrawn - Invalid	22-01-2025
D0418.24	Certificate of Lawfulness for change of use of dwelling to use class C3(b) supported living	
	Withdrawn - Invalid	19-11-2024
P0999.24	Retrospective application for the conversion of garage to habitable use involving side infill extension and change of use of private dwelling to HMO with accommodation for up to six people with learning disabilities	
	Withdrawn	26-09-2024
P0786.24	Retrospective application for the conversion of garage to habitable use involving side infill extension and change of use of private dwelling to HMO with accommodation for up to six people with learning disabilities	
	Withdrawn - Invalid	10-07-2024
ENF/504/19	1. Material change of use to HMO	
	2. Alleged unauthorised outbuilding to rear (Retrospective application P0631.19 withdrawn)	
	3. Alleged use of side extension as self-contained dwelling (Added Sept 2024)	
	4. Change of use AirBnB (Added Oct 2024)	
P0631.19	Retrospective permission for a block built replacement garden shed that was originally constructed from wood	
	Withdrawn - Invalid	23-07-2019

CONSULTATIONS/REPRESENTATIONS

An application for a Certificate of Lawfulness is a request to the Council to confirm that the development as specified is Lawful. In assessing this application, the Council is making a determination of fact. As such, it is not considered to be necessary to undertake a public consultation.

Nevertheless, representations were received in relation to this application and can be summarised as follows:

1. Surrounding area not suitable for proposed development
2. Proposal would have adverse impact on neighbourhood
3. Potential for congestion due to significant increase in vehicles

4. Increase in noise levels, which would adversely impact quality of life
5. Garage at property was previously converted into living space without planning consent
6. Property has been let as short term accomodation
7. Application lacks detailed information about learning disabilities of future occupants
8. Submitted design and access statement references access from Station Lane, which does not exist in the vicinity
9. Discreprancy between number of residents stated on application form in comparison to the design and access statement
10. Discreprancy between submitted floor plans and actual layout of property

Response:

In relation to points 1 to 4 above, the decision whether to grant or refuse a certificate is a matter of fact and law. The application submitted is not a planning application and therefore any material planning considerations raised as part of the representations received will not come into consideration as part of the assessment of the proposal. In relation to point 5, it is noted that the pre-existing garage at the site was converted into a habitable room (now the subject a separate planning application P1010.25) whilst as for point 6, the use of the property, including the side extension, are investigation by enforcement (reference: ENF/504/19). As for points 7 to 10, matters pertaining to the layout of the site, information submitted about the proposal and its overall acceptability will be addressed below.

RELEVANT POLICIES

The application is for the proposed use of the property falling within Class C3(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

The existing lawful use of the property is a single dwelling house which falls under Use Class C3(a) as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).

MAYORAL CIL IMPLICATIONS

N/A

STAFF COMMENTS

An in-person site visit was conducted by the case officer during the application process. Site photographs were also provided by the agent. In determining this application, photographs, Google Street ViewTM, aerial view images and submitted drawings were used to assess the site constraints.

The officer's site visit revealed that the existing floor plans do not correlate with the layout of the property. Specifically, the layout of the site as shown on the proposed floor plans reflects the current layout of the property. It should be noted that the property was empty when the site visit was conducted, indicating that the use of the property for supported living had not commenced.

It is noted that the site is currently the subject of an enforcement investigation (reference: ENF/504/19). That investigation relates to the following:

1. Material change of use to HMO
2. Alleged unauthorised outbuilding to rear (Retrospective application P0631.19 withdrawn)
3. Alleged use of side extension as self-contained dwelling (Added Sept 2024)
4. Change of use AirBnB (Added Oct 2024)

Change of Use from Use Class C3(a) (Residential Dwelling) to Use Class C3(b) (Supported Living)

Use Class C3(a) is use as a dwelling house (whether or not as a sole or main residence) by a single person or by people regarded as forming a single household. Use Class C3(b) is use as a dwelling house (whether or not as a sole or main residence) by not more than 6 residents living together as a single household where care is provided for the residents.

Both Class C3(a) and its proposed use Class C3(b) are subsections of Use Class C3 and therefore to move between C3a and C3b does not entail a material change of use. Therefore, if the applicant is able to successfully demonstrate a C3(b) use, it would not be regarded as a material change to the current and established use of the dwelling and planning permission would not be required.

A submitted supporting statement provides the following information about the proposal:

- The proposal is to provide (adult) supported living accommodation for 4 people of age 18-65 yrs with learning disabilities.
- The clients are independent and are capable of going out unsupervised as they are of full capacity but only living with mild learning disability.
- 1-2 carers will be required during the day depending on the client's need and 1 carer at night that will be responsible for prompting the residents to take necessary medication when the need arise, assist with booking important appointments and hold a monthly key work session to monitor their independence and support with areas where they require assistance. The residents cook and eat their dinners together as a family unit and also attend social events and activities together.
- There is no new work involves as there are already 4 bedrooms and an office space for staffs on site.
- The proposal will not affect the neighbours in any adverse way and it is not within a Conservation area.
- Access is from Station lane (Officer Comment: It is noted that Station Lane is not in the immediate vicinity of the application site.)

In addition to this, further information was sought to assist the assessment of the proposal via emails from the case officer to the agent on 07/03/2025 and 28/03/2025. The information requested

is set out below and the responses to these questions (set out in emails to the case officer from the agent dated 14/03/2025 and 28/03/2025) as well as the supporting statement were used to come to an informed decision.

1. What type of care residents would specifically receive (e.g. with their daily routines and if so, what

Response: "The client groups would be 18 years and above with mild learning disabilities. The staff would provide minimum support relating to issue having to do with personal care and medications."

2. Clarity about whether or not care and support would be required 24 hours a day

Response: "This will be a 24 hours assisted and monitored home with staff on a rota basis"

3. How many residents and staff members would occupy and work in the building at any one time

Response: "The maximum number and staff will be 5 at a time comprising 4 residents and 1 staff member that will be alone working alone due to low level of support required by the customers"

4. Whether the staff members who work in the building would do so on a shift basis, or if it would be the same people

Response: "This would be on a 7 hours rota basis"

5. If members of staff would work there on a shift basis, how many would be required to work each shift at once. Also, where would staff members who stay overnight sleep?

Response: "There will 1 member of staff on a shift each time and will be in the office if not attending to residents"

6. Whether any adults are expected to stay in the building and if so, would they do so for a long or short period of time

Response: "It will be on a long term basis but can move out in short term for any reason"

7. What type of, if any, visitors would go to the building and if so, how often (e.g., doctors, nurses, relatives of residents?)

Response: "Social workers do visit yearly for review and their family members can visit once in a while with prior notification to the management"

8. Details of parking-It has onsite,

Response: "There is a provision for off-street parking for 2 cars at a time without any restriction."

9. Whether the residents would require care and support 24 hours a day from staff members

Response: "Staff would be at the premises 24 hours a day but not all residents would require care all day as some clients are independents and some semi-independent"

10. Whether staff members would stay at the property overnight as part of the proposal and if so, where would they sleep and would they operate on a shift pattern with other carers

Response: "Staffs would stay at the premises overnight, the supported living will be staff 24/7, there would be sleeping room upstairs if necessary in the smallest room for staffs and this would be on a rota basis"

It is noted the supporting statement submitted indicates that "1-2 carers will be required during the day depending on the client's need" whereas the information provided by the agent in emails state that "There will 1 member of staff on a shift each time and will be in the office if not attending to residents". Clarity was therefore sought about how many staff members would work each shift during the day. In an email to the case officer dated 28/03/2025, the applicant clarified that there would only be one carer working during the day at each shift.

In an email to the case officer dated 28/03/2025, the agent confirmed that staff members would stay at the property overnight and operate on a shift pattern with other carers.

Further clarity was sought during the application process about the level of care that would be provided to residents and in an email to the case officer dated 20th May 2025, the agent stated that "Fresh tree care services as a service provider would render care services ranging from the provision of personal care, prompting with medications, assisting with shopping and booking appointments with GP and other professional bodies. The level of care provided for individual customer with learning disabilities would vary on the level of independence they have. Fresh tree care service aims at accommodating customers with mild learning disabilities who could require assistance with only prompting of their daily activities in this property...".

In an email to the case officer dated 17/11/2025, the agent stated that there would be a sofa bed in the office which carers could use to rest if required.

Officer Comments:

Use Class C3 is split into three sub-sections. Class C3(b) covers up to six people living together as a single household and receiving care.

The information provided to support the application indicates that four residents would live together and would receive care from one staff member on a shift basis. In terms of forming a single household, they would share communal facilities, cook and eat together and also attend social events and activities together.

As it is considered that the residents and their carers would constitute a single household, the residents of the premises would be provided with care and that the number of people forming the household would not exceed six, overall, it is concluded that the proposal would meet the requirements of use class C3(b) and would not constitute a material change from the lawful use as a single dwelling.

KEY ISSUES/CONCLUSIONS

The proposed developments are considered to fall within Class C3 of the Town and Country

Planning (Use Classes) Order 1987. No material change of use would take place from the current lawful use within Class C3 of that Order.

RECOMMENDATION:

It is recommended that **a Certificate of Lawfulness be issued** in accordance with the following details

1 Cert of Lawfulness - Reason for Approval

The proposed use as described on the submitted planning and supporting statements and shown on the submitted drawings would be within the provisions of Class C3b of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Authorising Officer:



Raphael Adenegan

17th November 2025