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By Zaman Group

Planning Statement

September 2026

Proposed Use of Existing Dwellinghouse as a Small Children's Home (Use Class C2) at 93 Albany Road, Hornchurch RM12 4AG.

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1. Introduction

This statement supports an application under section 192 of the Town and Country Planning Act 1990 for a Certificate of Lawfulness of Proposed Use or Development (LDC) for 93 Albany Road, Hornchurch RM12 4AG.

The certificate is sought for the following use:

“Use of the existing dwellinghouse as a children’s home for a maximum of two children aged 11 to 17, looked after by a local authority, with two care staff on duty at any one time on a shift basis, operated in accordance with the submitted Planning Statement and Operation and Management Statement (September 2026), which would not constitute a material change of use from the lawful use of the property as a single dwellinghouse (Use Class C3).”

No external alterations, extensions, signage or physical works are proposed. The internal layout would remain that of a family house.

The application does not claim that a children’s home falls within Use Class C3. The proposed use may properly be described as falling within Use Class C2. The question for the Council is whether this particular use, at the scale and intensity precisely described, would amount to a material change of use from the lawful use as a dwellinghouse. That is a matter of fact and degree.

Submitted documents

Document	Reference
Application form and fee	Planda Portal reference PLP-00009780
Site plan showing the driveway and two parking spaces with dimensions	26-132-P00
Existing ground and first floor plans	26-132-P01
Proposed ground and first floor plans showing the use of each room	26-132-P02
Operation and Management Statement	September 2026
Planning Statement	September 2026

Document	Reference
Existing and proposed roof plans (no change)	26-132-P03
Existing elevations	26-132-P04
Proposed elevations (no change)	26-132-P05

2. The site and existing accommodation

The site is a two-storey semi-detached dwellinghouse in an established residential street in Hornchurch, within the London Borough of Havering. It is not listed and is not in a conservation area. The existing drawings show:

- ground floor: entrance lobby, front reception room, living room and a full-width kitchen/dining room;
- first floor: two double bedrooms, one smaller single bedroom and a bathroom;
- an attached garage with a driveway to the front; and
- a private rear garden.

The driveway accommodates two cars side by side without obstructing the footway, as shown on drawing 26-132-P00. Local schools, shops, parks and Elm Park station (District line) are within reach of the site.

Proposed room use

Room or area	Proposed use
First-floor bedrooms 1 and 2	Individual bedrooms for the two children
First-floor bedroom 3	Study for homework and quiet activities. Not used as a bedroom
Ground-floor front reception room	Staff room for staff on shift (records, breaks, planning). Not a bedroom, office or reception
Ground-floor living room	Shared family lounge
Kitchen/dining room	Shared cooking and family meals
Rear garden	Domestic outdoor recreation
Garage	Domestic storage, including cycle storage. Not converted to accommodation

The children's bedrooms are the two larger first-floor rooms. The smaller bedroom is not relied on as sleeping accommodation for any child or staff member, and the staff room is a full-size ground-floor reception room.

3. The proposed use and its limits

Parameter	Limit or arrangement
Children	Maximum of two, aged 11 to 17, looked after by a local authority
Placements	Medium to long term; the home is the children's main residence. No emergency, short-break, respite, secure or parent-and-child placements
Needs profile	Social, emotional and mental health needs and/or mild learning disabilities
Care staff on duty	Two at all times, providing one-to-one care
Shifts	08:00 to 20:00 and 20:00 to 08:00; night staff are waking staff; no staff sleep at the property
Handovers	At 08:00 and 20:00, one post at a time. Maximum of three care staff at the property, for no more than 15 minutes; never four
Rota team	Approximately eight care staff including relief, to cover 28 twelve-hour shifts a week (the total employed, not the number present)
Registered Manager	Not resident; normally weekly or fortnightly weekday visits of one to two hours, outside handovers
Professional visitors	Pre-arranged, normally one at a time, outside handovers; Ofsted and Regulation 44 visits may be unannounced
Family contact	Normally away from the home; any visit to the home by prior arrangement, outside handovers; no overnight visitors
Usual / ordinary maximum occupancy	Four people / five people (occasionally six during a statutory inspection)
Parking	Two driveway spaces for the two carers on duty; no staff parking on the street, including at shift changes. Occasional visitor parking is managed as set out in Section 5.3.
Excluded	No office, reception, therapy, school, day care, contact centre or services to non-residents

Two carers are on duty at all times. At 08:00 and 20:00 the two posts change over one at a time. The first incoming carer arrives and receives a handover of no more than 15 minutes, after which the carer being replaced leaves; the second post then changes over in the same way. The maximum number of care staff at the property during a shift change is therefore three, for no more than 15 minutes, and never four. A carer is never left alone with both children during a shift change, so the one-to-one level of care is maintained throughout.

The home would be registered with Ofsted under the Care Standards Act 2000 and run in accordance with the Children's Homes (England) Regulations 2015. Full operating details are in the Operation and Management Statement.

4. The legal test

Section 55(1) of the 1990 Act defines development to include the making of any material change in the use of buildings or other land. Section 192 requires the Council to issue a certificate if it is satisfied, on the balance of probability, that the use described would be lawful if begun at the date of the application.

Article 2 of the Use Classes Order defines "care" in Class C2 as including the personal care of children, so the proposed use falls within Class C2. However, a change between use classes is not automatically a material change of use. In North Devon District Council v First Secretary of State [2003] EWHC 157 (Admin), the court held that a children's home with no resident carer fell within Class C2 rather than C3, but did not disturb the Inspector's finding that the change from a dwellinghouse was not material on the facts. Havering has applied this two-stage approach in its recent decisions, including D0186.26 at 133 Laburnum Avenue.

The relevant question is therefore whether the character of the use, and the activity it generates, would be materially different from the way the property is or could be lawfully used as a dwellinghouse.

5. Why no material change of use would occur

5.1 Occupancy and household character

The house would be occupied by two children and two adults, the same number of people as a small family. The children would live there as their settled home on medium to long-term placements. They would share the lounge, kitchen/dining room and garden with staff, eat together, attend school and take part in ordinary household routines. As a three-bedroom house, the property could lawfully be occupied by a larger household, for example a multi-generational family with more adults, cars and visitors. Havering officers used this same comparison when granting D0103.26.

5.2 Comings and goings

Activity	Expected frequency
Staff changes	Twice daily (08:00 and 20:00): four arrivals and four departures a day, staggered within two short windows
School and activities	Morning and afternoon journeys, as for any household with teenage children
Registered Manager	Weekly or fortnightly short weekday visits
Professional visits	Occasional and pre-arranged, normally one person, outside handovers
Night-time	None: night staff are waking staff and arrive at 20:00
Deliveries	Domestic in scale

This pattern is comparable to a household with two working adults on shift patterns and teenage children. Handovers take place at 08:00 and 20:00, not at unsocial hours. No more than three care staff are present during a shift change, for up to 15 minutes, and never four.

5.3 Parking

The two driveway spaces are used only by the two carers on duty, and no staff vehicle parks on the street. For each shift change, the rota names the incoming carer who will change over first; that carer does not bring a car to the property and arrives on foot, by bicycle, by public transport or by being dropped off. By the time the second incoming carer arrives, the first outgoing carer and their car have left, so a space is free. No more than two staff vehicles are therefore at the property at any time, and no vehicle waits on the street or across the driveway.

The Registered Manager would normally visit weekly or fortnightly, outside shift changes and during weekday working hours. Manager and professional visits would not normally coincide. These visits are infrequent and short; they do not create a continuing parking demand. The two driveway spaces remain allocated to the carers on duty. Visitors would normally travel on foot, by bicycle, public transport, taxi or by being dropped off. If a visitor brings a car, only one visitor vehicle would be present. It may briefly stop or park on the carriageway in front of the property, including in front of the driveway crossover, only where lawful and safe and without obstructing the footway. The visitor would remain inside the property and

contactable and move the vehicle immediately if staff need to leave. This occasional arrangement is not relied on for staff parking, shift changes or routine operations.

5.4 Visitors and external appearance

There would be no signage, no external change, no public access and no services to non-residents. Family contact would normally take place away from the home. The character of the property within the street would be unchanged.

6. Comparable Havering decisions

The following Havering decisions are presented as comparisons only. Each turned on its own facts and operating description, and none determines the outcome for this property. The table distinguishes the formal decision from matters discussed in the officer's report.

Decision	Formal outcome	Matters discussed in the officer's report
D0186.26, 133 Laburnum Avenue	Certificate issued 13 August 2026 for a children's home for a maximum of 2 children and a maximum of 5 people overall, in the terms described in the application and additional information	Two carers and a manager by day and two carers at night; shared domestic facilities; informative that a change in circumstances or activity may require permission
D0103.26, 9 Alan Gardens	Certificate issued 19 May 2026 for two children aged 10 to 17, if operated as described in the March 2026 supporting statement	Typical presence of three staff (two staff and a manager); comparison with occupation by a multi-generational family; informative that intensity beyond the description could lead to action
D0237.24, 135 Station Lane	Certificate issued 16 August 2024	Three children aged 13 to 18; up to two carers on 24.5-hour shifts; no more than three vehicles parked on site
D0463.25, 53 Collier Row Road	Certificate refused 4 December 2025: a material change of use was considered more likely than not, in the absence of compelling evidence otherwise	Four children with up to four staff at a time; two parking spaces; staff turnover and whether the use would operate as a single household
D0102.26, 1 Amanda Mews	Certificate refused 27 May 2026 for the same reason as D0463.25	Three children with two staff and a manager; officers questioned the 2:3 staffing ratio and parking for visiting professionals
P0693.24, 9 Alan Gardens (full planning)	Refused 19 July 2024: residential amenity and comings and goings; public transport, parking and highway; size of bedroom 3	Three children aged 11 to 17; limited description of the operation and length of placements
P1273.24, 9 Alan Gardens (full planning)	Refused 18 November 2024: residential amenity and comings and goings; public transport, parking and highway	Four adults present at staff turnover; possible emergency or overnight placements; use of a small room as a staff room; parking across the dropped kerb not acceptable

At 9 Alan Gardens, two full applications for three children were refused, and the same house subsequently received certificates for two children (D0024.25, D0541.25 and D0103.26) on

the basis of defined operating descriptions. Drawing on the matters discussed in these reports, the table below sets out how the present proposal is defined.

Matter discussed in the reports	How this proposal is defined
Number of children (three or four in the refused cases)	Two children only
Adults present at staff turnover (P1273.24)	Maximum of three care staff during a shift change, for no more than 15 minutes
Length of placement and emergency or overnight placements (P0693.24, P1273.24)	Medium to long-term placements only; no emergency, respite or short-break placements
Clarity of the operating model (P0693.24, D0463.25, D0102.26)	Shift times, staff on duty, rota team, manager attendance and visitor pattern all specified
Staff room and night-time staffing (P1273.24)	Waking night staff using a full-size ground-floor staff room; no staff sleep at the property
Size of the smallest bedroom (P0693.24)	Used as a study only; the children occupy the two larger bedrooms
Staff parking and parking across the dropped kerb (D0463.25, P1273.24)	Two driveway spaces for two carers; no staff vehicle parks on the street, including at shift changes. Any occasional visitor vehicle is managed as set out in Section 5.3.
Staffing ratio (D0102.26)	One-to-one care at all times
Family and professional visits (D0463.25, D0102.26)	Family contact normally off site; visits pre-arranged and outside shift changes

7. Conclusion

The proposal is for two children aged 11 to 17 living in an existing three-bedroom house as their settled home, with two carers on duty and no external change. The operating model is precisely defined, and in scale and staffing it is comparable to the uses Havering has certified at 9 Alan Gardens and 133 Laburnum Avenue. It is also clearly smaller and more tightly defined than the proposals refused at Collier Row Road, Amanda Mews and the earlier Alan Gardens applications.

On the balance of probability, the use as described would not be materially different in character from the lawful use of the property as a dwellinghouse. A certificate should therefore be issued in the terms set out in Section 1.