Expiry Date - 28/08/2024

Development Control – Delegated Officer Report

Application Number: AWDM/0848/24 Recommendation – APPROVE

Site: 116 Broadwater Road Worthing West Sussex BN14 8HL

Proposal: Application for Certificate of Lawfulness for proposed use of a dwelling for assisted living with five occupants as a single household

Site Visited: N

Neighbours checked: n/a

Site and Surroundings

The application site relates to a detached property located on the east of the A24 and on the corner with Sompting Avenue on the northern side. The applicants indicates that the property is currently a private residential property.

The plans submitted indicate that the property comprises a five-bedroom detached house with off street parking. The property comprises an entrance hall, lounge, sitting room, kitchen/dining room, garage, downstairs bedroom with independent bathroom and kitchen at ground floor. At the first floor there are a further four bedrooms and separate bathroom and W/C.

The property has parking to the frontage and a garden to the side and rear.

The site is within a residential area.

Proposal

The application is for a Lawful Development Certificate that seeks to establish that the use of the property, as C3b for five persons living together and receiving care, is lawful. To facilitate this there will be some minor alterations to the internal layout of the property in the form of introducing stud walls and the removal of non-load bearing walls.

Planning history

99/00574/FULL - Single storey side extension to provide a Granny Annexe. Application Approved.

Planning Assessment

The determination of applications for Certificates of Lawfulness is restricted to consideration of the lawfulness of the proposal. Effectively, the issue for consideration is whether the proposal needs planning permission by means of

an application, or, alternatively may be carried out without any such need because it is not development or is permitted development or is *de minimis* or is not a material change of use or is immune from enforcement and so has achieved lawfulness. The, otherwise, planning merits or de-merits of a proposal are outside of the scope of the determination.

The relevant test for such an application is whether, on the balance of probabilities, the applicant has proven the proposed use is lawful. The onus is upon the applicant to demonstrate proof.

Homes with assisted living can either fall within class C2 (residential institutions for people in need of care), or class C3(b) (dwellinghouses) of the UCO 1987. Class C3 (b) refers to *"use as a dwelling house by not more than six residents living together as a single household, (including a household where care is provided for residents)."*

In the supporting information the applicant confirms that "*in this instance five adults with learning difficulties share a house with carers coming in to assist them daily, but the carers do not sleep on the property. Due to the lower level of care that is required the property is not subject to the Care Quality Commission.*

The residents will do their own shopping. They will cook for themselves either individually or collectively as with eating. They can socialise together and share domestic tasks as a single household."

The concept of living together as a household means that a properly functioning household must exist. In this instance it is considered to be the case due to the residents being adults with care being provided but not living on site, resulting in a single household therefore classified as a C3 use.

The Applicant has provided a floor plan which shows the proposed changes to the layout of the property. All the changes proposed are internal and are in the form of extending bathrooms to either make them en suites or to make them into larger bathrooms to cover the additional person living there.

As there is a single kitchen and living space the property will function as a single household with care provided and is considered to be Use Class C3b.

Conclusion

On the basis of the available evidence the Local Planning Authority is satisfied that on the balance of probability the proposed use as a dwellinghouse within Use Class C3b as detailed in the application plans and particulars would not result in a material change of use and therefore does not amount to development as set out in section 55 of the Town and Country Planning Act 1990 (as amended).

Expiry Date - 28/08/2024

RECOMMENDATION:

Issue Certificate

Case Officer:	Finlay Gardner	Date: 13/12/2024
Authorised by:	Louise Prew	Date: 20/12/2024