Expiry Date - 09/08/2023

Development Control – Delegated Officer Report

Application Number: AWDM/0836/23 Recommendation – APPROVE

Site: 3 Georgia Avenue Worthing West Sussex

Proposal: Application for Certificate of Lawfulness for proposed use of a dwelling to assisted living with four occupants as a single household Class C3(b)

Date of site visit: Last visited 20.09.2022 (for AWDM/1097/22)

Neighbours checked: N/A

Additional neighbour notifications: N/A

Site and Surroundings

The application relates to detached 2-storey dwelling dating from the early 1920's located on the north side of Georgia Avenue backing onto the Manor Recreation Ground. The property was used for many years as a children's nursery/pre-school (Sunshine Nursery) with a residential flat on the first-floor, until its closure in 2021. The dwelling has been enlarged incrementally by various single-storey accretions and a large detached outbuilding in the rear garden.

Planning permission was granted last year to return the property to a single dwelling house. A condition of the planning permission limits the use of the property to Class C3 (dwellinghouses).

The surrounding area is residential in character. The neighbouring properties on either side and on the opposite side of Georgia Road consist of single dwelling houses.

Proposal

A Certificate of Lawfulness (CLPUD) is sought for the proposed use of the dwelling for assisted living with four occupants as a single household.

The submitted plans show 2 bedrooms on the ground-floor plus shared lounge, kitchen, utility room, WC, dining room and conservatory. There would be 2 bedrooms on the first-floor. All bedrooms have an en-suite bathroom or shower room.

Relevant Planning History:

WB/1030/89: Temporary permission for partial change of use to nursery school for 12 children permitted 10.10.1989 (Expiry 31.12.1991).

WB/91/0023: Application to amend condition 2 of WB/1030/89 to increase the number of children from 12 to 14 permitted 19.02.1991 (Expiry 31.12.1991).

WB/91/0897: Renewal of planning permission WB/1030/89 for continued partial use of the property as a nursery school and variation of condition 2 increase the number of children to 15 permitted 28.01.1992.

WB/94/0626: Amendment to condition 2 of planning permission WB/91/0897 to allow nursery to operate between 9.15am and 12.15pm and also between 1.00pm and 4.00pm Monday to Friday permitted 18.10.1994.

WB/06/0697: Single-storey rear extension and detached replacement store permitted 07.08.2006.

WB/07/0502/FULL Application to amend condition 1 of planning permission WB/91/00897 to increase the number of children in the day nursery from 15 to 24 and amendment to condition 2 of planning permission WB/94/0626 to increase the operation times of the nursery from 9.15am to 4.00pm Monday to Friday to 8.00am to 5.30pm Monday to Friday permitted 11.06.2007.

AWDM/0780/15 Part change of use of first floor to provide staff room and conversion of remainder of first-floor to one-bedroom flat. Ground floor to become sole use as nursery with an increase from 24 to up to 36 children (aged between 0-5 yrs) and increasing opening hours to 08.00am and 6.00pm on Monday to Friday (previously 5.30pm). The alterations to the internal layout to create a 1-bedroom flat approved under AWDM/0780/15 have not been implemented.

AWDM/1097/22 Change of Use from partial use as a preschool to a single family dwelling. Permitted.

Consultations: None

Representations: N/A

Relevant Planning Policies

Town and Country Planning Act (1990) (as amended)
Town and Country Planning (Use Classes) Order 1987 (as amended)

The relevant considerations are matters of fact and law as to whether the property may lawfully be occupied for assisted living by four occupants as a single household without an application for planning permission.

Planning Assessment

The Agent has confirmed in writing that the planning permission granted under AWDM/1097/22 has been implemented. Condition 5 of AWDM/1097/22 states:-

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 as amended (or any order revoking and re-enacting that Order with or without modification), the premises shall be used only for purposes within Use C3 (Dwellinghouses) as defined in the Town and Country Planning (Use Classes) Order 1987 or in any equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order with or without modification.

Reason: The development will result in the loss of a community use but will contribute toward meeting a need for family housing in accordance with policy 8 of the Worthing Core Strategy, and in the interests of amenity having regard to saved policy 18 of the Worthing Local Plan (2003).

Class C3(b) of the Use Classes Order allows for not more than six residents to live together as a single household where care is provided for residents.

It is proposed that four adults with learning difficulties will live together as a single household with 2 carers coming to the property on a daily basis to provide personal care and assistance. The carers will be on-site throughout the day but will not stay overnight at the property. The 4no residents will socialise together and share domestic tasks as a single household.

The proposed use as described is sufficiently precise and unambiguous to justify the grant of a Certificate under s192 and would not involve a material change of use from Class C3 (dwelling houses).

Recommendation

ISSUE CERTIFICATE

The proposed use of the dwelling for assisted living by 4 occupants as shown on the submitted plans, and as described within the application particulars and clarifications made in support of the application, would not involve a material change of use of the property.

Is recommendation contrary to letter(s) of representation? N/A

Case Officer: Jo Morin Date: 04.08.2023

Authorised by: Peter Barnett Date: 4 August 2023

Expiry Date - 09/08/2023