

# PLANNING APPLICATION OFFICERS REPORT



<b>Application Number</b>	25/00788/PRUS	<b>Item</b>	04
<b>Date Valid</b>	02.06.2025	<b>Ward</b>	SUTTON AND MOUNT GOULD
<b>Site Address</b>	68 Craven Avenue Plymouth PL4 8SW		
<b>Proposal</b>	Change of use from dwelling (Class C3) to supported living accommodation (Class C2) for up to 3no. young people		
<b>Applicant</b>	Keys Group Ltd		
<b>Application Type</b>	LDC Proposed Use		
<b>Target Date</b>	28.07.2025	<b>Committee Date</b>	21.08.2025
<b>Extended Target Date</b>	N/A		
<b>Decision Category</b>	Councillor Referral		
<b>Case Officer</b>	Mr Sam Lewis		
<b>Recommendation</b>	Issue lawful certificate (Proposed)		



The application has been referred to the Planning Committee by Cllr. Chris Cuddihee.

### **1. Description of Site**

68 Craven Avenue is a terraced residential property located in the Sutton and Mount Gould ward of the city. The property has 4no. bedrooms and a small rear garden/yard space. The property is not served by any off-street parking.

### **2. Proposal Description**

This is a Lawful Development Certificate for a Proposed Use for the Change of use from dwelling (Class C3) to supported living accommodation (Class C2) for up to 3no. young people.

### **3. Pre-application enquiry**

None.

#### **4. Relevant planning history**

None.

#### **5. Consultation responses**

Legal Services - Confirmed that a Lawful Development Certificate should be issued.

#### **6. Representations**

Despite not being subject to a public consultation period, the application has received 17no. letters of representation - 8no. against the proposal and 9no. in support. The usual planning material considerations do not apply to Lawful Development Certificates, so Officers cannot consider the views expressed in the letters, unless they relate to lawfulness of the proposed change of use.

Notwithstanding this, for transparency the letters of objections received raised the following concerns:

- The proposed use is out of character with the area;
- The proposal would lead to disruption to local residents;
- Safety concerns;
- Local residents have not had an opportunity to object to the proposal.

The letters of support raised the following points:

- The area is suitable for such a use;
- The importance for such uses to support young people;
- The young people to be housed would benefit from living in the area;
- On-street parking would improve.

#### **7. Relevant Policy Framework**

The Town and Country Planning (General Permitted Development)(England) Order 2015, The Town and Country Planning (Use Classes) Order 1987, and The Town and Country Planning Act 1990.

Specifically, under the Town and Country Planning Act 1990, Section 192 deals with Certificate of lawfulness of proposed use or development. This states: *If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.*

#### **8. Analysis**

8.1 This Lawful Development Certificate is for a proposed change of use from dwelling (Class C3) to supported living accommodation (Class C2) for up to 3no. young people.

8.2 Our records show that the property is currently used as a single family dwelling (use class C3) and there is no planning history to suggest that it has changed or ever been in any other use class.

8.3 The applicant has sought to use the property as supported living accommodation for up to 3no. young people. It needs to be decided whether, on the basis of the information provided, the use sought is lawful within the terms of S192(2) of the Town and Country Planning Act. If it is deemed lawful, a certificate should be issued and legislation is clear on this. As previously noted, other material planning considerations do not apply. Paragraph 008 of the government's Planning Practice Guidance on Lawful Development Certificates states: *Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application.*

8.4 It has been confirmed by the applicant that the supported living accommodation would have no more than 3no. young people between 16 and 18 living at the property, with 1no. member of staff living on site on a shift basis, with occasional support from a manager. There would be no external changes to the building - and the internal changes proposed would be extremely limited. To clarify, the below is taken from the applicant's Planning Statement:

*It should be stressed that the young people in this case are likely to have been through the care system and are in the next stage of their journey to independence. During this time, they still require support on a 24-hour basis but to a lesser degree that would be provided in a children's residential home.*

8.5 The proposed use would fall under use class C2. Whilst there is no permitted change between C3 and C2 under Part 3 of Schedule 2 of The Town and Country Planning (General Permitted Development)(England) Order 2015, the applicant has provided case law in the form of 6no. appeal decisions where the Inspector came to the view that similar proposals did not constitute material changes of use and issued Certificates - as well as broader legal views on the topic. Based on the similarities between the cases discussed in the appeals and the proposal under consideration here, Officers are of the view that the proposal would not constitute a material change of use. The occupancy level and use of the property would not be materially different from a C3 use, and the overall impacts of the use would likely be similar. The Council's legal team have also confirmed that a certificate can be issued.

8.6 Given the public interest in the case, Officers did some deeper case law research but only found further appeals which backed up the applicant's case. There were examples of dismissed appeals, but these were generally dismissed due to poor levels of information relating to the existing or proposed uses, which meant that no clear decision could be made, or in cases where the change of use would have been much more pronounced and intense whereby a more formal care home would have been created. No evidence to counter the applicant's position has been provided to Officers - with many of the objections received seemingly doing so based on statements on the applicant's website, which relate to a wide range of services they offer, rather than the application details itself. The statements made in some of the objections that the change of use should be considered material are therefore not considered to be backed up with relevant evidence. The applicant provided further information in response to the letters of representation received - clarifying that the accommodation would provide support to young people as a step towards independence who are moving on from other forms of support and accommodation.

8.7 It is concluded that the applicant has provided sufficient evidence in support of their application and the proposed use is deemed to be lawful and in accordance with S192 of the Town and Country Planning Act.

## **9. Human Rights**

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

## **10. Local Finance Considerations**

No charge under current schedule.

## **11. Planning Obligations**

None.

## **12. Equalities and Diversities**

None.

## **13. Conclusions**

The proposal does not require planning permission and on this basis, it is recommended that a Certificate of Lawfulness can be issued.

## **14. Recommendation**

In respect of the application dated 02.06.2025 it is recommended to Issue lawful certificate (Proposed).

## **15. Conditions / Reasons**

The development hereby permitted shall be carried out in accordance with the following approved plans:

### **I      ISSUE LAWFUL USE CERTIFICATE: REASON**

The proposal is not considered to constitute a material change of use and therefore does not require planning permission. On this basis a Certificate of Lawfulness can be issued.

## **INFORMATIVES**

### **I      INFORMATIVE: (NOT CIL LIABLE) DEVELOPMENT IS NOT LIABLE FOR A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION**

The Local Planning Authority has assessed that this development, due to its size or nature, is exempt from any liability under the Community Infrastructure Levy Regulations 2010 (as amended).