

Planning Statement



NINE POINTS PROPERTY LTD

APPLICATION FOR CERTIFICATE OF PROPOSED LAWFUL USE AS A RESIDENTIAL CARE HOME (CLASS C2)

ASHFERN HOUSE, HARWICH ROAD, GREAT BROMLEY, CO7 7UL

Introduction

This Planning Statement has been prepared by Alder King on behalf of Nine Points Property Ltd in connection with an application for a certificate of proposed lawful use for the use of Ashfern House, Harwich Road, Great Bromley as a residential care home (Class C2).

Site Description

The application relates to Ashfern House located within Great Bromley.

The site comprises a long established, but currently vacant, residential care home, with an associated garden to the rear and car parking space.

Application Proposal

This application seeks a certificate of proposed lawful use of Ashfern House as a residential care home (Class C2).

Planning History

Tendring District Council's planning history records confirm the longstanding use of the property as a 'residential care home'.

The following planning permissions are of relevance and confirm such use:

- TEN/490/86 – Change of use from dwelling to residential care home for the 'mentally Handicapped' with extensions to house, additional staircase and bathrooms
- TEN/91/0869 – Rear extensions to enlarge lounge and provide new office at ground floor and provide new staff bedroom at first floor level
- TEN/98/0226 – Rear extension to form 8 bedrooms, lounge, kitchen, laundry, sluice, and staff bedroom to form separate living unit
- 08/01288/FUL – Refusal of application to change use from class C2 ('Care Home') to Class C3 ('Dwelling')

Existing Use

The application site has been in use as a 'residential care home' (Class C2 - Residential Institutions) for more than 30 years, following the grant of planning permission in 1986 for the change of use of the site to a 'residential care home for the mentally handicapped'.

The 2008 planning application seeking a change of use to a dwelling (Ref: 08/01288/FUL) was refused, and the site has, therefore, remained under the jurisdiction of Use Class C2 (Residential Institutions), as per the earlier planning history relating to the site's use as a care home.

Since 2008, planning permission has not been granted for any change of use from a care home to a non-Class C2 use.

The 1986 planning permission has no condition attached to it restricting the use of the site solely to a 'residential care home for the mentally handicapped'. Furthermore, there are no planning conditions attached to any of the subsequent planning permissions which provide any restriction on the nature of the residents – i.e. restricting use solely to the 'mentally handicapped'.

Proposed Use

The applicant wishes to use the site as a 'residential care home', a use which falls within the Use Class C2. Residents will not necessarily be 'mentally handicapped'.

No internal or external works are being proposed, merely the reuse of the existing building.

Assessment

Given the planning history set out above, it is clear that the site has a lawful planning use as a 'residential care home' falling within Class C2 of the Town and Country Planning Use Classes Order (1987) (as amended).

Furthermore, there are no planning conditions attached to any planning permissions relating to the site which restrict its use solely to a 'residential care home for the mentally handicapped' or any other resident type. As such, in planning terms, the site can be lawfully used for any residential care purpose falling within Use Class C2 (Residential Institutions).

Given the above, use of the application site for any purpose falling within Class C2 (whether residential care or some other Class C2 use) would not require planning permission. The proposed use as a 'residential care home' falls squarely within Class C2.

Accordingly, the proposed use of the site as a 'residential care home (Class C2)' does not require planning permission and would be a lawful use.