



Maidstone Borough Council
 Maidstone House
 King Street
 Maidstone, Kent ME15 6JQ
www.maidstone.gov.uk

Application for a Lawful Development Certificate for a Proposed Use or Development

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x) Northing (y)

Description

Applicant Details

Name/Company

Title

Mr

First name

Ravi

Surname

Sharma

Company Name

My Tribe Homes Ltd

Address

Address line 1

1 BROMLEY LANE

Address line 2

Address line 3

Town/City

CHISLEHURST

County

Country

United Kingdom

Postcode

BR76LH

Are you an agent acting on behalf of the applicant?

Yes

No

Contact Details

Primary number

***** REDACTED *****

Secondary number

***** REDACTED *****

Fax number

Email address

***** REDACTED *****

Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

- Yes
 No

Does the proposal consist of, or include, a change of use of the land or building(s)?

- Yes
 No

If Yes, please give a full description of the scale and nature of the proposed use, including the processes to be carried out, any machinery to be installed and the hours the proposed use will be carried out

Lawful Development Certificate for the Proposed Change of Use from a C3 Dwelling to a low level C2 use as a children's home for up to a maximum of 4 children living at the premises with adults working a shift rota.

If Yes, please fully describe the existing or the last known use, with the date when this use ceased

C3 Dwelling

Has the proposal been started?

- Yes
 No

Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

The existing use as a C3 dwelling has been in place to our knowledge since the home was constructed. No alterations are proposed to the existing building

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

- Planning letter
- Appeal Ref: APP/E2205/X/16/3161037
The Cottage, Stonebridge Green Road, Egerton, Ashford TN27 9AP
- Appeal Ref : APP/V2255/X/19/3224363
Loyterton Farmhouse, Tickham Lane, Lynsted, Sittingbourne, Kent, ME9 OHW
- Existing and proposed floorplans and elevations

Select the use class that relates to the existing or last use.

C3 - Dwellinghouses

Information about the proposed use(s)

Select the use class that relates to the proposed use.

C2 - Residential institutions

Is the proposed operation or use

- Permanent
 Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

Planning legislation allows for changes between use classes which in particular circumstances may not be material for planning purposes. The officer found in two Canterbury appeals (attached) that there was a "low level" of C2 use and that was not materially different from that of a C3(a) use and therefore no material change of use had occurred.

The day to day activities and use of the property would be similar to that of a dwellinghouse use and therefore would be in accordance with the case law routinely referred to for applications of this nature. The local planning authority would not be able to take enforcement action against the proposed use. Annex 8 of Circular 10/97 confirms this assertion as there would not be a material change of use. In terms of the recent appeal decision at "The Cottage", the Inspector decided to allow the appeal on the basis of the following justification extracts:

"A house of this size could easily accommodate a typical family with 2, 3 or more children and 2 adults and it seems to me that the use of the house as a home for a maximum of 3 young people and their carers would not be materially different from the authorised use as a 4-bedroom family home. It is likely that there would be vehicle movements created by the carers coming to and leaving the site on a daily basis as they start and leave their shifts and journeys undertaken by the children when being taken to and from school. Nevertheless, I do not consider that the number of such movements is likely to be significantly more than those undertaken by a family and certainly not enough to result in an intensification of use that would give rise to planning concerns.

I have noted the village location and the lack of facilities available for young people in the immediate area, but again, there would be nothing to stop the property being occupied by a family, to whom the same concerns would apply."

The inspectorate concludes "I see no reason why the use proposed would have any planning impacts that would cause it to be considered as a material change of use."

The same consideration is made for this Lawful Development Certificate the vehicle movements associated with the dwelling is unlikely to be significantly more than those undertaken by a family. "Not enough to result in an intensification of use that would give rise to planning concerns." Any issues in the area would apply to the proposed occupants just the same as if it were occupied by a family.

It is respectfully requested that the Certificate of Lawful Use for a Proposed Development be issued on the basis that, although there has been a change of use to a low level C2 use, there would not be a material difference in the use of the property as a residential unit offering a home to a maximum of four young persons.

Please also find a schedule of recent applications in Appendix 1 in which CLOPUDs have been granted by Maidstone Borough Council in very similar applications.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes

No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

The agent

The applicant

Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

Yes

No

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

(a) a member of staff

(b) an elected member

(c) related to a member of staff

(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

Yes

No

Interest in the Land

Please state the applicant's interest in the land

Owner

Lessee

Occupier

Other

If Lessee or Occupier, please give details of the owner and state whether they have been informed in writing of this application

***** REDACTED *****

Declaration

I/We hereby apply for Lawful development: Proposed use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

I / We agree to the outlined declaration

Signed

Ravi Sharma

Date

2023/11/17