



Phillips Planning Services Ltd.  
Town Planning and Development Consultants

# **7C BROAD GREEN** WELLINGBOROUGH

## **PLANNING STATEMENT**

**LAWFUL DEVELOPMENT CERTIFICATE APPLICATION TO  
CONFIRM THAT THE PROPOSED ASSISTED LIVING USE (C3 (b))  
DOES NOT REQUIRE PLANNING PERMISSION**

NOVEMBER 2023

# 1.0 INTRODUCTION

1.1 The following statement has been prepared on behalf of Assisted Living Care Group LTD, in support of a Lawful Development Certificate Application at 7C Broad Green, Wellingborough, to confirm that the proposed assisted living use (C3 (b)) does not require planning permission.

1.2 The statement is set out as follows:

1.0 Introduction

2.0 Site Description

3.0 Planning History

4.0 Legislation

5.0 Planning Analysis

## 2.0 SITE DESCRIPTION

2.1. The site is located on the southern side of Broad Green in Wellingborough.



***Aerial View Of The Site And Surrounding Area***

2.2. The site is within the Wellingborough Town Centre. Conservation Area.

2.3. The site accommodates a two storey dwelling which forms part of a larger Listed Building which has been converted into four flats following the granting of planning permission (WP/2013/0471/F) in 2013.

2.4. The property adjoins another dwelling to the north, and there are flats on the adjacent site to the east, a pair of semi-detached dwellings to the south, and the Oak House Hotel to the west.

## 3.0 PLANNING HISTORY

3.1. Relevant planning history for the site is outlined below.

### **7 Broad Green, Wellingborough**

**WP/2013/0472** Conversion of listed building into 4 flats. Application for Listed Building consent.

*Approved: 29/10/2023*

**WP/2013/0471** Conversion of listed building into 4 flats

*Approved: 31/10/2013*

## 4.0 LEGISLATION

4.1. Paragraph 192 of the Town and Country Planning Act 1990 states that:

**192 Certificate of lawfulness of proposed use or development.**

(1) If any person wishes to ascertain whether—

- (a) any proposed use of buildings or other land; or
- (b) any operations proposed to be carried out in, on, over or under land,

would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

(2) 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.

(3) A certificate under this section shall—

- (a) specify the land to which it relates;
- (b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);
- (c) give the reasons for determining the use or operations to be lawful; and
- (d) specify the date of the application for the certificate.

(4) The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a

material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.

## 5.0 PLANNING ANALYSIS

- 5.1. It is proposed to use the dwelling as a home for a young person aged 14-18 with learning disabilities / autism. They will live as a single household in the setting of a dwelling where care is provided.
- 5.2. Care will be provided by Assisted Living Care Group LTD who specialise in providing high-quality specialist care and personalised support packages for individuals with learning disabilities, mental health conditions and / or autism in order to promote greater independence and a more fulfilling life. No carers will live in the property but there will be 2 to 3 waking members of staff on site 24 hours per day, working in shifts.
- 5.3. The Town and Country Planning Act (Use Classes) (Amendment) Order (England) Order 2010 Part 3 categorises Class C3 dwellinghouses as follows:
  - (a) a single person or by people to be regarded as forming a single household;
  - (b) **not more than six residents living together as a single household where care is provided for residents; or**
  - (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).
- 5.4. As it reads above, the Use Classes Order, states that the limit for the number of members of the single household under C3 (b) is no more than 6 people. The Proposal intends to accommodate a single resident which falls within the limit set by the Use Classes Order. Two to three carers will also be on site at any one time.
- 5.5. Whilst Circular 08/2010 Changes to Planning Regulations for Dwellinghouses and Houses in Multiple Occupation Annex A Paragraph 4 (DCLG, November

2010) has been superseded by the National Planning Policy Framework (DCLG, February 2019), its details and explanations are not replicated therein and thus its clarification with regards residential uses remain relevant. The Circular's provisions are therefore considered for guidance purposes only.

- 5.6. Circular 08/2010 states the limit for the number of members of the single household under C3 (b) is no more than six people. C3 (b) continues to make provision for supported housing schemes, such as those for people with disabilities or mental health problems (Circular 08/2010). Whilst the term 'dwellinghouse' is not defined, but rather case dependent, the common feature of all premises which can be generally be described as dwellinghouses is that they are buildings that ordinarily afford the facilities required for day-to-day private domestic existence (Circular 08/2010). The criteria for determining whether the use of particular premises should be classified within the C3 use class include the manner of the use and the physical condition of the premises meaning premises can properly be regarded as being used as a single dwellinghouse where they are designed or adapted for residential purposes containing the normal facilities for cooking, eating and sleeping associated with use as a dwellinghouse (Circular 08/2010). The property accords with these definitions and requirements.
- 5.7. By comparison Class C2 residential institutions have historically been defined by the Town & County Planning Act (Use Classes) Order 1987 Schedule 1 Part A as:
- Use for the provision of residential accommodation and care to people in need of care (other than a use within Class C3 dwellinghouses).
  - Use as a hospital or nursing home.
  - Use as a residential school, college or training centre.
- 5.8. Assisted living housing is akin to sheltered housing, offering family format, independent living but with the benefit of on-site supervision. The Proposal is



not as intensive as a Class C2 (residential institution/nursing home) as the resident will be effectively living independently with support and guidance only when required, and will be living in the setting of a dwelling.

- 5.9. The level of residents' needs is such that they would normally be placed within standard (Class C3 (a)) accommodation within the community, albeit their needs are such they would struggle within this context. The Proposal seeks to maintain their desired independence within a more conducive, supported community context.
- 5.10. The use of the property therefore remains in Use Class C3 albeit the sub-classification will have shifted from C3 (a) (single household) to C3 (b) (single household receiving care). Planning permission is therefore not required for the change of use, and we are requesting a Lawful Development Certificate to confirm this.



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