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23rd January 2024

Dear Sir / Madam

Proposal: Certificate of Lawfulness (Proposed) for the use of the dwelling as a small-scale Childrens Home (Use Class C3(b))

Location: 315 St Richard's Road, Deal, Kent, CT14 9LG

This Supporting Statement has been prepared on behalf of Channels & Choices to support a Certificate of Lawful Use (CLU) for the proposed use of the existing property as a small-scale children's home within Use Class C3(b), which is made under section 192 of the Town & Country Planning Act 1990 (as amended).

It is acknowledged that the assessment of CLU applications hinges on the facts of the case and the interpretation of any planning law or judicial authority where relevant. It is further accepted that the burden of proof, to support and evidence the relevant facts, in this case rests on the applicant. The appropriate test of evidence is on 'the balance of probabilities'. The planning merits of the proposed development are not relevant to the consideration of this CLU application.

Channels & Choices provides residential care, fostering, education and therapy to children who experienced trauma at an early stage. They are recognised as a centre of excellence providing specialist therapeutic care to vulnerable and traumatised children and 100% of their services have been rated 'Outstanding' or 'Good' by Ofsted. As well as managing a number of smaller children's home within residential properties across the District, the company also run an existing 5-bedroom children's home at Kearsney Manor in Temple Ewell.

Channels & Choices have purchased the site and are looking to open a small-scale children's home within the property for 3-4 children with live-in adult carers who would live as a single household. The purpose of this application is to confirm that the proposed use as a children's home is lawful at the site, as it falls within the same use class as the existing property (Use Class C3) so would not represent a material change of use. Ofsted regulations and requirements require formal determination from the Local Planning Authority as to whether planning permission is required for the proposed children's home before they will issue a registration certificate for its operation. Therefore, the CLU is a requirement to enable the building to be formally registered as a children's home.

Prior to Channels & Choices ownership, 315 St Richard's Road has been used as a residential dwelling with five bedrooms. The existing lawful use of the property is therefore a dwellinghouse (Class C3).

It is contended that that the scale and nature of the use of the property as a children's home also falls within Use Class C3. Class C3 (b) of the Town and Country Planning Order (as amended) refers to *"use as a dwelling house by not more than six residents living together as a single household, (including a household where care is provided for residents)"*. The children's home for up to 3-4 children will be under the care of permanent occupant of the dwelling who will be the live-in carer/guardian, and therefore living as a single household in the residential property. It is anticipated that the children residing at the home would initially be under the care of social services, eventually looking to be fostered.

Under such circumstances, no material change of use results and planning permission is not required for the proposed use as a children's home. The Council is therefore respectfully requested to grant this CLU application.

Please let us know if you require any further information.

Kind regards,

Grace Clements

Hume Planning Consultancy



Figure 1: Aerial view with redline boundary.



Figure 2: Street View St Richards Road, Deal.