



PLANNING STATEMENT

Lawful Development (Proposed Use)

Car Park off Ravensdale, Clacton On Sea, Essex



March 2024

Prepared for and on behalf of

Consensus Support Ltd.



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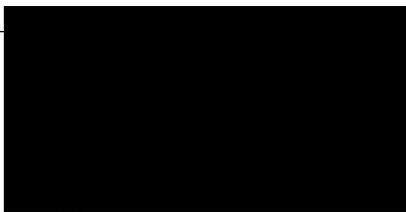


B Date of this issue 03/24

Issue Number 1 (one)

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1.0 INTRODUCTION AND SITE LOCATION

This planning statement has been compiled to support an application for a Certificate of Lawful (Proposed Use) for the adjustment in use for each of the recently approved dwellings from Use Class definition C3(a) to definition C3(b), in order to provide supported living accommodation for individuals with autism and associated learning disabilities.

The full site address is:-

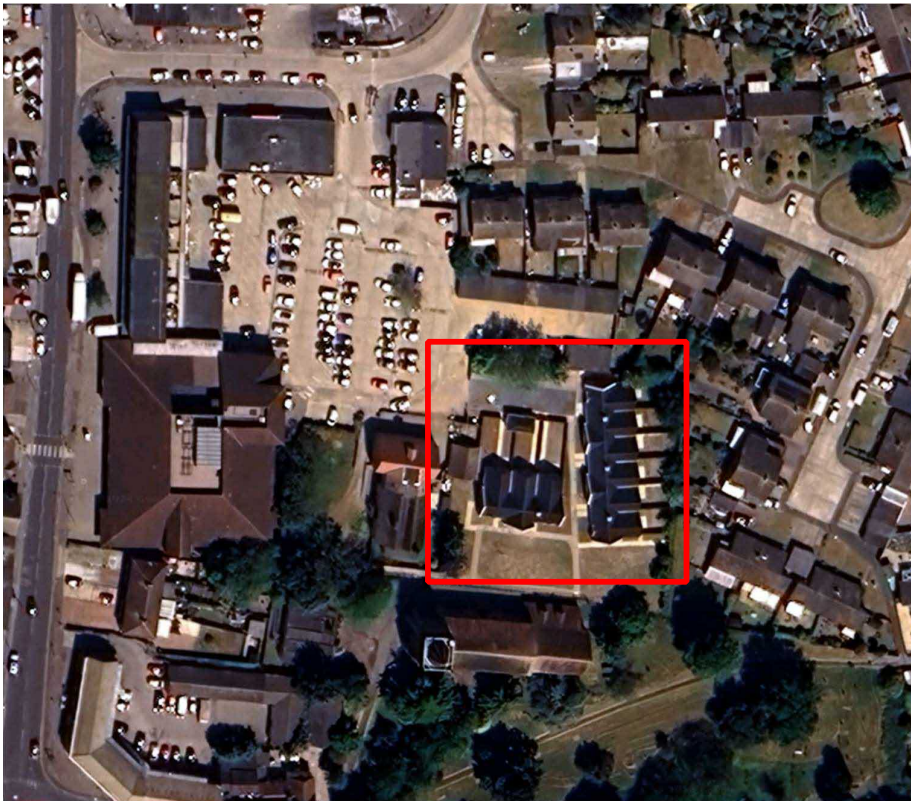
Former Car park off

Ravensdale

Clacton on Sea

Essex

The location of the site is indicated below.





2.00 SITE APPRAISAL

The site in question is that of a small development of 9no Almshouse type dwellings adjacent to St John the Baptists Church, off Ravensdale, in Clacton on Sea.

The approval obtained in 2019 has been implemented as approved and via the discharged conditions with each property being 1 bedroom, with private amenity spaces/gardens and communal parking spaces.

3.00 PLANNING HISTORY

19/00920/FUL Construction of 9no Almshouse type dwellings (revisions to Approval 17/01708)

20/00821/DISCON

Discharge of conditions 5 (external materials), 8, 9, 10 (archaeology), 11 (tree protection), 12 (hard/soft landscaping), 13 (landscaping details) and 14 (window details) of approved application 19/00920/FUL.

23/01348 Section 73 Application to remove Condition 4 (Occupation of Dwellings by those over 65) (Granted)

4.00 PROPOSED USE

The proposed use is for each residential dwelling to be used as an individual residential dwelling for a single resident to live independently with care. Specifically people with Autism and associated Learning Difficulties. There may be individuals who require 1:1, 24hr care to assist them with daily living tasks and growing independence.

The applicant and site owner, Consensus Support Ltd take referrals and work in partnership with local clinical commissioning groups and social care professionals to identify local need. They work with individuals and their families and care managers to place them in settings close to family and within the community, a principle that has long been supported by the Transforming Care Agenda developed by central government and the NHS.

The dwellings are described by the applicant as:- *accommodation ideal for people who wish to have their own tenancy with a dedicated support package. Some people may have previously lived in a residential service and are ready to move on to a supported living service; others may move into supported living without having been in a former care setting at all and where essentially this is their 'own home'. Support is tailored to the individual's needs and how they want to live their life. This could translate into a support worker being on-site or visiting the individuals at their accommodation at agreed times; others need a setting that has on-site support 24/7. To offer a completely bespoke solution, we work with housing partners to develop options that enable people to live as independently as possible in their own accommodation'.*



There will be no changes to the approved layout internally within each dwelling, remaining as a self-contained dwelling with Living, Dining and Kitchen space with separate bedroom and separate bathroom.

Each unit will have its own address, council tax arrangements and tenancy agreements will be arranged individually.

The site plan and the number of parking spaces will remain as the approved scheme with one parking space allocated per unit. The external amenity space will also remain as the existing approved proposals. Residents will not own cars so parking will be utilized by carers as needed and by occasional visitors, although the adjacent carpark is also available.

5.00 JUSTIFICATION OF LAWFULNESS OF PROPOSED USE

The approved existing use class of the Dwellings falls within the C3(a) descriptive.

An adjustment to each property is requested to be Use Class C3b.

The description for this being:-

' up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems'.

Whether accommodation such as this is C3b or C2 Use Class is currently a grey area within the planning use class system. However it is often assessed around the criteria of 1) whether a single household is formed, and 2) the level of care that is to be received. There is some, albeit limited, Case Law that is relevant to the first criteria.

NDDC v First Secretary of State (2003) is a key case often mentioned, it appears that it was the ability of residents to form a household that was the key element, especially in relation to children, as was the scenario in this case where continuity of care was required as a prerequisite for C3b use to apply.

However, the Crawley Borough Council v FSS and Eve Helberg (Trading as the Evesleigh Group) (2004) case (paragraphs 30 -32 below), in relation to the use of this case as principle for all others, suggests that the correct position is to make judgement on each scenario on the specific facts of individual cases –and that even if the carers are not resident in the property, it can still constitute a single household. This is supported in the Sinclair case where *' staff do not have to be living together with residents for C3b Use to exist'.*

R (Hossack) v Kettering Borough Council similarly suggests it is a matter of *' fact and degree in each case'* so a decision in one case cannot be used as a principle for all.

With regards to the second criteria, the type of care to be provided is not personal or medical care but rather assistance with living independently as required by the Supported Housing National Statement of Expectations issued by the Government in 2020 and is a deliberate move away from a



C2 institutionalized care environment. The Housing type has been assessed and is supported by Adult Social Care and Local Health Commissioners.

With the above in mind we would like to provide the following facts and discussion to support the adjustment to a C3b Use Class for each dwelling by way of a Lawful Development Certificate.

- 1) Each unit is an independent C3b planning unit for one person (ie **up to 6** people).
A household can be created by one adult person.
- 2) Each unit is a dwelling that provides all facilities and accommodation for day-to-day existence as C3a Use.
- 3) Each unit has its own utility connections and metering.
- 4) Each unit/resident will have own council tax arrangement.
- 5) Each unit/resident will have own tenancy agreement.
- 6) There are no communal facilities such as dining room, kitchen or internal communal spaces.
- 7) Level of Care is NOT personal nor medical.

6.00 CONCLUSION

For these reasons the proposed use adjustment for each dwelling sits within the descriptive of Use Class C3 sub class (b) and is therefore movement within a single use class.

The Planning Act dictates that movement within a single use class is not deemed development and therefore does not require planning permission. The adjustment in definition to Use Class C3b can therefore be considered lawful.