

DELEGATED FILE NOTE

CASE OFFICER: ...Alex Howard.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
26/00051/LDCP	Use of existing house for the provision of care to no more than 3 young people living together as a single household (Class C3b)	3 Larkin Place Royston Hertfordshire SG8 5UR

Submitted Plan Nos

LC 02 LC 03 Location plan LC 01

1.0 Policies

2.0 **Site History**

2.1 **01/01975/1HH** - Retention of single storey rear extension.

Conditional Permission

3.0 **Representations**

3.1 Neighbour Consultation – One comment received from 2 Larkin Close (summary):

Feel comfortable with the planned use of the property and support the change.
Would like to ensure the shared ownership drive conditions are continued and respected.

Operators should be aware that Permitted Development rights have been removed from these properties.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The site is a detached dwelling located off Larkins Place, Royston. Access to the property is via a shared drive with No.2. The property benefits from a private rear garden and front driveway/garden area. The property has had its Permitted Development Rights removed through Classes A–G of Schedule 2, Part 1 of the GPDO.

4.2 **Proposal**

4.2.1 A certificate of lawfulness (proposed) is sought for the use of existing house for the provision of care to no more than 3 young people living together as a single household (Class C3b)

4.2.2 The properties lawful use is a dwellinghouse (Class C3a) and the proposed use is for the provision of care to no more than 3 young people and two carers living together as a single household (Class C3b), with the total number of residents and carers not exceeding 6. The property would be the main or sole residence of the carers and the persons being cared for. The carers would be living with the young people like one family.

4.2.3 No external changes to the property or the existing parking arrangements are proposed under this application.

4.3 **Key Issues**

4.3.1 The key issue relates to whether the proposed change of use from residential dwelling C3(a) to C3(b) to a residential care home for up to three young people would constitute a material change of use as defined in Section 55 of the Act.

4.3.2 The burden of proof is on the applicant to show that on the balance of probabilities a lawful development certificate should be granted. The evidence must be clear and precise in order to justify granting a certificate and should be accepted unless the LPA has any evidence to the contrary.

4.3.3 This application is seeking confirmation through a Lawful Development Certificate that the use of the site for the provision of care to no more than 3 young people by two carers living together as a single household falls within Class C3(b). As the present use of the premises as a single dwellinghouse also falls within Class C3(a), a change from one use to the other does not constitute development and therefore there is no requirement to obtain planning permissions for such a change of use. The definition of Use Class C3(b) in the Town & Country Planning (Use Classes) Order 1987 (as amended) reads *“use as a dwellinghouse (whether or not as a sole or main residence) by not more than six residents living together as a single household where care is provided for residents”*

4.3.4 Children homes can fit under Use Classes under Class C – C2 or C3b/c.

4.3.5 Use Class C2 – Residential Institutions

Use Class C2 of the [Use Classes Order 1987](#) (as amended) is for the use as residential institutions.

The full description is use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a boarding school, residential college, or residential training centre.

“care” for Use Class C2 is defined as ‘personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment’. This is within [Article 2](#) of the Use Class Order 1987.

Typically, this applies to institutions where care and accommodation are provided, those who require medical or specialised support by carers who do not live on the premises and may arrive in shifts.

4.3.6 Use Class C3 – Dwellinghouses

Use Class C3 of the [Use Classes Order 1987](#) (as amended) is for the use as dwellinghouses. i.e. Houses, Flats, Apartments, Bungalows etc.

The full description is for the use as a dwellinghouse (whether or not as a sole or main residence) by—

(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;

(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).

Typically, this applies to up to 6 people living full time in a single household and receiving care, where all those who reside live there full time (the carers and the person who requires the care).

4.3.7 There is Case law that exists (including North Devon District Council v FSS & Southern Childcare Ltd [2003] EWHC 157 (Admin); [2003] JPL 1191) which has determined that children cannot form a household and carers who do not reside in a property, but who provide care, cannot be regarded as living together and as a consequence cannot be

regarded as a single household as defined in Use Class C3 (b). Therefore, it is agreed that the use of such a facility would fall within Use Class C2, not Use Class C3b.

- 4.3.8 In this instance, the supporting documentation submitted with this application, supported by a follow up email from the applicant dated 26th February 2026 confirming their position, states that the proposal is for use as a residential home for no more than 3 young people and two carers living together as a single household. The use of the premises would be within the concept of a single household, in that there would be no more than 6 people (including their carers) with shared communal facilities. All meals would be prepared on the premises, and the young people will eat together as a family unit. Their carers would be living in the house and would be part of the household. They would be providing support using a person-centred approach in the least intrusive way, with the emphasis on supporting them to make informed choices about their individual lifestyles and to find the joy in living, whatever their needs and circumstances. Thus, they would be helping them make informed choices about selecting training, life skills, off-site appointments, etc. The applicant has confirmed that contrary to earlier correspondence on this application during its validation, there will not be any shift work involved in this proposal. The carers will live full time on site, and this will be their primary residence. The supporting email from the applicant on the 26th February 2026 states as follows:

"I can confirm that the application is for Class C3b use, being the provision of care to no more than three children, supported by two carers, all living together as a single household.

The carers' main and only residence will be the property. They will live permanently with the children and provide day-to-day parental-style care, including supporting them with their daily routines, education, school runs, extracurricular activities, holidays, appointments, and all other aspects of everyday life.

There will be no shift-based staffing model and no rotation of staff attending the property. The arrangement is intentionally structured to mirror a family home environment, consistent with the principles of Class C3b use".

- 4.3.9 There are no specific parking standards for children's care homes are detailed within the Parking SPD. It is considered that given the existing dwelling is required to have a minimum of 2 off-street car parking spaces and the small number of people residing at the property are unlikely to have the use of a vehicle given the age of the residents.
- 4.3.10 As such, taking the submitted details into account, it is considered that the proposed use of the site would fall within Use Class C3(b), because the carers and young people being cared for will live as one household. If the host dwelling was not the sole residents of the carers and shift patterns were introduced then this would have been more akin to a Use Class C2 care facility.

5.0 **Recommendation**

- 5.1 That a certificate of lawfulness be **GRANTED** for the following reason:

1. The proposed change of use of the site from Class C3 to Class C3b, which would comprise the provision of care to no more than 3 young people and two carers living together as a single household with the total number of residents and carers not

exceeding 6, would not constitute a material change of use as it would fall within the same Use Class. As such, the proposed use is considered lawful, in line with Section 55 of The Town and Country Planning Act 1990 (as amended).

Signed  Ben Glover	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 9 March 2026	