Supporting Statement

An Application for a Certificate of Lawfulness for a Proposed Use

Use of The Sycamores 1 Pudbrooke Gardens Hedge End as a Dwelling House

Application made on behalf of:

Mrs S. Tinson of The Serendipity Centre

Bryan Jezeph Consultancy Ltd
The Gallery
3 South Street
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September 2014

1.0 Introduction

1.1 The applicant, Mrs S. Tinson is a proprietor of the Serendipity Centre. The Centre provides a complete residential education and care service for girls aged 9-18 years who have severe or complex behavioural, emotional, social or mental health difficulties from, for example, a life trauma, autism or a phobia of education.

1.2 The property, the subject of this application, is intended to be used as the residence for 5 girls. The Serendipity Centre currently provides similar care in three other homes together with an independent special school and a bespoke therapy centre.

1.3 The registration process for the home is undertaken by Ofsted who oversee this type of use. Ofsted require, as part of the registration, that any planning permission or authorisation is correctly obtained. (See appended extract from Ofsted Guide)

1.4 The proposed use falls within C3 dwelling house use for which the property already has permission. This application seeks to obtain a Certificate of Lawfulness for the proposed use of the residential property at 1 Pudbrooke Gardens Hedge End for a C3b use in order to meet the Ofsted requirements. This will demonstrate that permission for change of use is not required.

2.0 The Use Classes Order 1987

2.1 The Town and Country Planning (Use Classes) Order 1987 (amended 2010) provides the following definition in respect of dwelling houses.

Class C3. Dwellinghouses

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; 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).

2.2 The proposed use of the property falls within the C3b definition and no change of use will occur.

3.0 The Current Lawful Use

3.1 The house was constructed as a dwelling house and has been in use as a C3 dwelling house. It is proposed now to bring the dwelling into use as a C3b property.

4.0 The Intended Operation of the Dwelling House

4.1 It is proposed to use the property as a residence for up to 5 children between the ages of 9 and 18. The five children will live at the house with care being provided by one member of staff who will also be resident at the house. The carer will sleep at the premises overnight so that the children go to bed and wake up with the same person in place. Other care workers will also be available to care for the children.

4.2 The care staff will work at the house on a shift and rota basis to ensure continuity of care for the girls. Cover for the girls will be provided 24 hours per day, 7 days per week.

4.3 It is considered that the proposed use is a lawful use under the existing Use Class C3 and that no application is required to change the use.

4.4 This Certificate is sought to satisfy the registration requirements of Ofsted that planning regulations have been lawfully met. An extract of the Ofsted Guide to registration for children's social care services has been attached which explains the requirement for evidence that planning permission is not required.

Appendix 1
Extract from Ofsted guide

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Guide to registration for children's social care services

This guidance provides you with information about the registration of social care services. It will help you decide whether you need to apply for registration and explains what processes your application will go through before we can decide whether you are suitable to be registered as a social care provider or manager.

Age group: 0–18

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Types of communication systems you intend to use

92. We ask you to complete and return a form about any communications systems you intend to use regularly, such as Makaton or Widgit, with your application. There is a list of regularly used communication systems on the form and we have left space for you to add any others you use that are not listed. We use this information to help us communicate better with the children or young people for whom you wish to provide a service.

93. If you do not use any specific communication system with children and young people you do not have to return this form with your application. We **do not** consider your application incomplete because you have not returned a copy of the 'types of communication systems used at an establishment or agency' form.

Planning permission

94. You must supply Ofsted with information about whether planning permission is required for all applications except residential holiday schemes for disabled children, You must check with the Local Authority planning department whether or not planning permission is required. You must provide a copy of one of the following:

- evidence that planning permission was required and granted
- evidence from the Local Authority planning department that no planning permission is needed. Where a Local Authority issues a certificate of lawfulness this must be supplied to Ofsted.

95. If you are applying to register a residential holiday scheme for disabled children, you do not have to obtain planning permission, but you must check that the use of the premises as a residential holiday scheme does not require any changes to existing planning permission. You will be asked about this at the registration visit.

96. We strongly recommend that you obtain the evidence listed in paragraph 87 before you make application to Ofsted and submit it as part of your initial application. We only make a registration decision when we have this information and later submission has at times led to our taking longer to complete a registration decision. If you experience any problems whilst obtaining planning permission or evidence that permission is not required, please contact us using the details provided in paragraph 7.