EASTLEIGH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2010: ARTICLE 35

NOTICE OF REFUSAL OF APPLICATION FOR A CERTIFICATE OF LAWFUL PROPOSED USE OR DEVELOPMENT

Application number: U/14/75255

Eastleigh Borough Council ("the Council") hereby refuses an application dated 10 September 2014 made by the Serendipity Centre ("the Applicant") for a certificate of lawfulness of use or development in respect of the use described in the First Schedule below in respect of the land specified in the Second Schedule below and edged red on the plan attached to this Notice ("the Property").

The Council's refusal is based on the information provided to the Council by the Applicant.

The Council considers that the proposed use falls within Use Class C2 of the Town and Country Planning (Use Classes) Order 1987 ("the Order") and that, in all the circumstances, a change of use from the existing Use Class C3(a) to Use Class C2 would constitute a material change of use which would require planning permission.

The Council considers that the proposed use falls within Use Class C2 of the Order because the Council considers that the proposed use is for the provision of residential accommodation and care to people in need of care other than a use within Use Class C3.

The Council considers that the proposed use does not fall within Use Class C3 because it does not constitute use as a dwellinghouse by not more than six residents living together as a single household where care is provided for residents. The Council has formed this opinion on the basis that:-

1. What is proposed at the Property does not constitute a single household because:-

    1.1. no individual carer will be resident at the Property, carers will instead only be present at the Property on a rotational basis;

    1.2. the residents will not arrive in a single group but will be independently recruited by the Applicant following agreement of a Placement Plan;

    1.3. the residents will not form a stable group because there will be turnover of residents at the Property;

1.4. the responsibility for filling vacancies at the Property will not rest with the other residents of the Property but with the Applicant;

1.5. the residents will not have access to all of the rooms at the Property because bedrooms will be secured using a finger locking system enabling the residents to exclude each other from their private rooms;

1.6. bathroom facilities will not be shared at the property because each resident will have their own private en-suite bathroom from which they can exclude the other residents; and

1.7. the residents will not live together as a single social unit but will be dependant on external non-resident carers for their basic needs.

2. In the event that what is proposed at the Property does constitute a single household, which is not accepted, there will be more than six residents living together within the single household at the Property because:-

2.1. it is proposed that the household will be constituted by five children, one sleeping carer and one non-sleeping carer, totalling seven residents and exceeding the number of residents permitted by Use Class C3(b).

3. What is proposed at the Property does not fall within the definition of 'care' within the context of Use Class C3 because:-

3.1. 'care' means 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 whereas some of the residents at the Property will be in need of care by reason of behavioural, emotional and social difficulties.

For the avoidance of doubt, in all of the circumstances, the Council considers that a change of use from the existing Use Class C3(a) to Use Class C2 would constitute a material change of use which would require planning permission

Signed: _____ (Council's Authorised Officer)

Allan Richard Ward
Head of Legal and Democratic Services
On behalf of Eastleigh Borough Council

Date: 03 FEBRUARY 2015

FIRST SCHEDULE

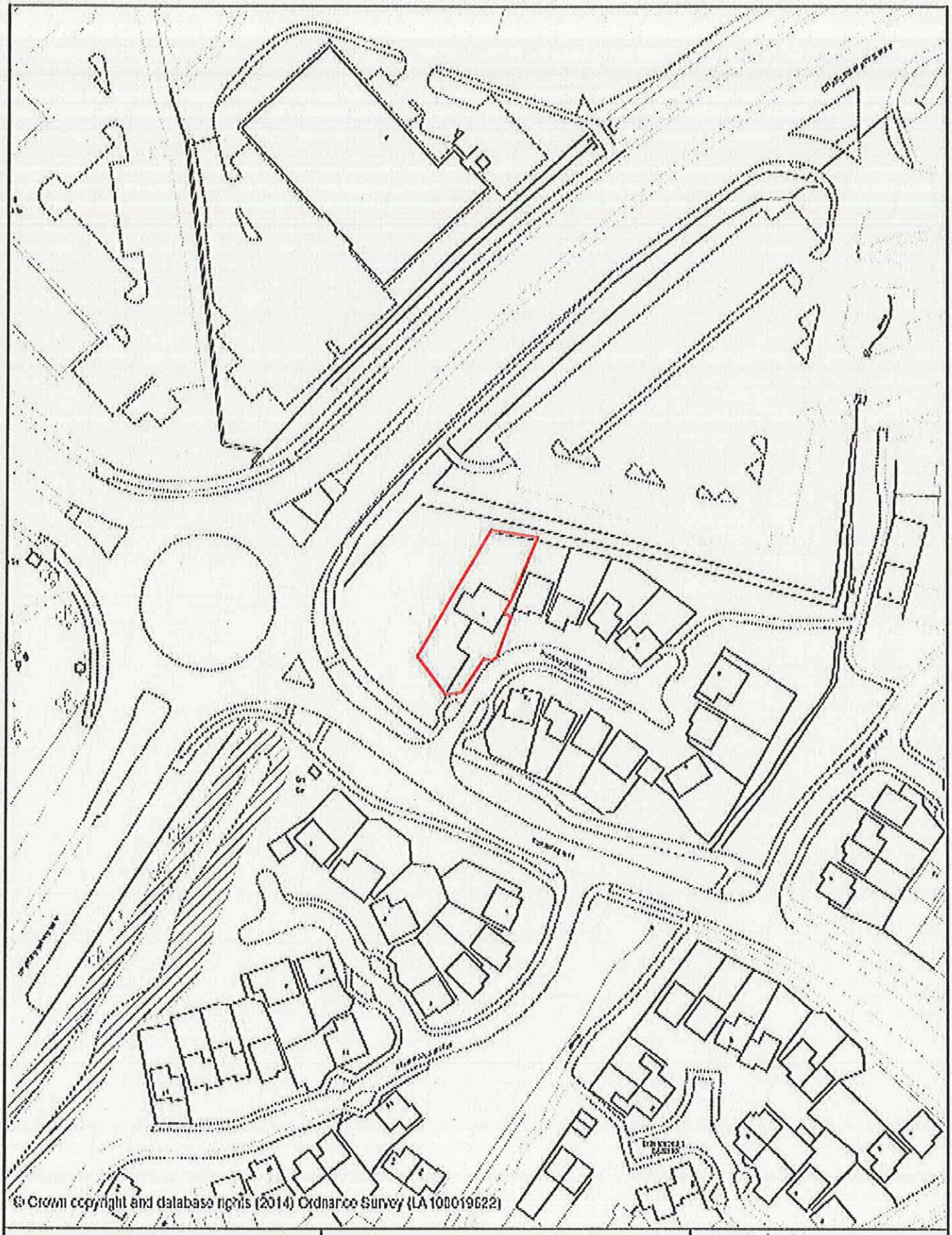
Use as a dwellinghouse to provide accommodation for five children receiving care.

SECOND SCHEDULE

1 Pudbrooke Gardens, Hedge End, Hampshire SO30 4RA

Note:

If you are aggrieved by the above decision you may appeal to the Secretary of State under section 195: Appeals against refusal or failure to give decision on application of the Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991).



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Title:
1 Pudbrooke Gardens, Hedge End SO30 4RA

Scale:
1:1250

Map Ref:
SU4813NE

Date:
17/10/2014

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