

Statement

**An Application for a
Certificate of Lawfulness for a Proposed Use**

**Use of 25 Oak Vale, West End,
Southampton, SO30 3SE as a “C3b”
Dwelling House**

**Mr Leather (Director)
of Rymacare Limited**

May 2023

1.0 Introduction

- 1.1 The applicant, Mr Leather is the Director of Rymacare Limited. The company provides care services for Adults aged 18+ years who have a learning disability and / or Autistic Spectrum Disorder.
- 1.2 The property, the subject of this application, is intended to be used as the residence for 5 adults with 1 carer sleeping overnight. Rymacare currently provides similar care in three other homes in Hampshire.
- 1.3 The registration process for the home is undertaken by the Care Quality Commission (CQC) who oversee this type of use. CQC require, as part of the registration, that any planning permission or authorisation is correctly obtained.
- 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 25 Oak Vale, Southampton, SO303SE for a C3b use in order to meet the CQC 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) provides the following definition in respect of dwelling houses.

C3 Dwelling houses - this class is formed of 3 parts:

C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child.

C3(b) 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.

C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.

2.2 The proposed use of the property falls within the C3b definition.

3.0 The Current Lawful Use

3.1 The house 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 Adults aged 18+. The 5 adults will live at the house with care being provided with 1 member of staff sleeping overnight (total of 6 residing at one time). This carer will sleep at the premises overnight so that the adults go to bed and wake up with the same people in place which may be important for their consistent care needs.

4.2 The care staff will work at the house on a shift and rota basis to ensure continuity of care for the adults. Cover for the adults 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 CQC that planning regulations have been lawfully met.

4.5 The 5 Adults will live as “one household” as any family would in a residential home. The only difference is they may require additional support with day to day living such as bathing, eating and support with medication etc. Each resident would have their own bedroom and so would the carer.

4.6 We would encourage all residents to cook and eat together as “one family” – this would include all such meal times as a family would such as Breakfast, lunch and Dinner etc. The communal lounges will also be used for equal interaction with residents and carers for events such as

movie nights, games and general social interactions with each other. Some residents may have the occasional family member visit – same as a general household would.

- 4.7 Nature of support would depend on an individual's needs. Some residents may be more independent than others. Support can be given in regards to washing, dressing/feeding if required. Our aim is to promote independence and life skills for residents to be able to do these things themselves where possible. Some residents may need support to take medication on time etc.
- 4.8 A total of 7 off road parking spaces is available which would prevent any parking on the public highway. We would expect to have 4 cars on site on a daily basis leaving room for visitors.