

Statement

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

**Use of Annexe at Hilltop, Pinewood Park,
Southampton, SO19 6AL as a “C3b”
Dwelling House**

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

August 2023

1.0 Introduction

- 1.1 The applicant, Mr Leather is the Director of Rymacare Limited. The company provides a complete residential care service for Adults aged 18+ years who have a mild – moderate 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 1 adult with a Learning Disability and 1 carer. 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 Annexe at Hilltop, Pinewood Park, 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 property 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 1 Adult aged 18+ with a learning disability. The individual will live at the property with care being provided with 1 member of staff sleeping overnight (total of 2 residing at one time). This carers will sleep at the premises overnight so that the individual will 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 property on a shift and rota basis to ensure continuity of care for the individual. Cover for the individual 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.

5.0 Previous Application

5.1 A Previous application LDC/20/88428 was submitted to EBC back in August 2020 whereby this was refused.

5.2 It was felt that the residential use of the separate Annexe building on site for 2 individuals would not be classed as lawful under Class C3b due to the overall usage not appearing as "Single Household".

5.3 The Annexe will now be used for 1 Adult receiving care and support where they will call it their home and be classed as "Single Household".

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- 5.4 All communal areas of the property will be shared by the individual and carers.
- 5.5 The property has its own garden (separate to the main house by a fence) and also a separate driveway which can accommodate 2 vehicles.
- 5.6 The main house (Hilltop, Pinewood Park, Southampton, SO19 6AL) was granted C3b use on 11.04.2023. We now apply to use the Annexe as the same usage but as a separate dwelling. The Annexe is classed as a separate dwelling by the Valuation Office Agency (VOA) and has been issued a council tax bill by Eastleigh Borough Council.
- 5.7 The application for a Certificate of Lawfulness as a C3b dwelling will have minimum impact on the local neighbors as does the main house which is currently supporting Adults with Learning Disabilities.

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