

Eastleigh Borough Council
Eastleigh House
Upper Market Street
Eastleigh
SO50 9YN

Our Ref: E-513-NM
Your Ref: PP-15109647
Email: neil@southernplanning.co.uk
Date: 10 August 2026
Status: LDC supporting letter

Dear Sir / Madam,

Lawful Development Certificate application – Confirmation that the proposed use of the property for supported living by up to 2 adults with learning difficulties, living together and receiving care falls within Use Class C3(b) at 26 St James Road, West End, SO30 3FU

Southern Planning Practice Ltd has been instructed by Acorns (Southern) Propco Ltd to apply for a Certificate of Lawfulness for a Proposed Use or Development (CLOPUD) in order to confirm that the proposed use of 26 St James Road, West End for supported living by up to 2 adults with learning difficulties living together and receiving care falling within Use Class C3(b) is lawful.

The existing property is a 4 bedroom single storey dwelling (Use Class C3). It would be occupied by up to two individuals (over the age of 18) with learning difficulties, living together as a single household and receiving personal care within Use Class C3(b).

Change of use within the same use class is not development under Section 3(1) of The Town and Country Planning (Use Classes) Order 1987 (as amended)).

Confirmation is therefore sought that the change of use of the property from its existing C3 use to its proposed C3(b) use would be lawful and not therefore require planning permission.

The application submission comprises the following documents:

- Location Plan
- Floor plan
- This supporting letter

- Appendix 1 – Extract from CQC online summary report
- Appendix 2 – Property details as advertised on Rightmove
- Appendix 3 – Property information / Council Tax checker for 26 St James Road, West End
- Supporting letter from Hayden Foster, Director/Registered Manager, Acorns Health Care

Introduction

The applicants have a portfolio of properties in the Southampton, Winchester, Fair Oak and Eastleigh area, which are used to provide supporting living to people with learning difficulties.

The personal care provided to the tenants living in the properties is by Acorns Health Care (AHC), a registered provider of personal care established in 2019.

They would provide the personal care to the tenants living in 26 St James Road, West End.

AHC are committed to delivering exceptional outcomes, giving the individuals they support the opportunity to lead a full and active lifestyle within their local communities and continue with life-long learning and personal development.

The provision of personal care to individuals is regulated by the Care Quality Commission (CQC). Their latest inspection report is dated May 2026 – an extract of the CQC's online summary report is attached at **Appendix 1**, which confirms:

'The service is a supported living service, providing support to people within their own homes, including people requiring support with their mental health, people with a learning disability and autistic people.'

Legislative provisions under which a Certificate is sought

This application is made under Section 191 of the Town & Country Planning Act 1990 (as amended) "the Act", which enables anyone to apply to the local planning authority for a decision whether a specified existing use, operation, or failure to comply with a planning condition or limitation, which has already been carried out on land, is lawful for planning purposes.

Section 191(4) of the Act provides that if, on an application under the section, the LPA are provided with information satisfying them of the lawfulness, at the time of the application, of the use, operations or other matters described in the application, they shall issue a certificate to that effect.

Applications for Certificates of Lawfulness are assessed on the "balance of probabilities" and the burden is on the applicant to prove the case.

Southern Planning Practice Ltd

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The Town and Country Planning (Use Classes) Order 1987 (as amended)

Section 3(1) states:

"Subject to the provisions of this Order, where a building or other land is used for a purpose of any class specified in Schedule 1, the use of that building or that other land for any other purpose of the same class is not to be taken to involve development of the land."

Schedule 1:

Class C3. Dwellinghouses, used as sole or main residences [in England]

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).*

Within the Interpretation at Section 2, it states:

"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, and in class C2 also includes the personal care of children and medical care and treatment;

Current use of the property (C3 dwelling)

The Council have confirmed that the only previous planning history for the property was an application in 1974 for an 'Extension comprising 2 bedrooms', which was allowed on appeal. The application reference provided is WIR2277900000.

The property details (as advertised on Rightmove) confirming that it is a detached 4 bed dwelling) are provided at **Appendix 2**.

The property is registered for Council Tax (Band D) and has been since 1993 – Local Authority Reference Number 198883609 (**Appendix 3**)

The following sections outlining how the property will be used and the care provided is informed by the letter submitted by Hayden Foster of Acorns Health Care as part of this application.

The proposed use

The proposal involves the use of the property for supported living for up to 2 tenants, aged over 18.

One tenant has already been earmarked to move into the property at the end of August. They will live there by themselves for a while before a second tenant is placed in the property, or in time two new tenants will be found.

The tenants will be individuals with learning disabilities associated with autism spectrum conditions. They will receive support from care staff to help them live as independently as possible and participate fully in their local community. The tenants will manage their household with appropriate guidance and support where needed. This may include assistance with personal care and dressing, managing finances and household bills, taking medication, shopping, preparing nutritious meals, developing independent living skills, and accessing sports, leisure, and social activities.

During the day, the residents will have a daily routine, including undertaking basic household tasks, such as tidying and cleaning, and preparing meals under the guidance of their support workers. There may be appointments that they need to attend outside of the house. They will also spend time outside the house, visiting local shops, parks and other green spaces, and attractions, as part of their community living experience, accompanied by their support workers.

Each tenant will have their own Assured Shorthold Tenancy (AST) agreement and this will be their main residence.

They will pay their own rent and also pay for their own food, clothing and bills.

The care provided

Support will be provided around the clock 365 days per year by non-resident care workers.

Each tenant will have their own support worker during the day, as a minimum this would be at a ratio of 1:1 or though can be 2:1. There would therefore be minimum of 2 and a maximum of 4 support workers in the property during the day. An Area Manager will also attend the property a few times a week. At night, less support workers are needed (minimum of 2).

There are two 12 hour shifts, with staff changeover at 8am and 8pm.

Most support staff tend not to own vehicles, so use public transport or car share, get a lift or a taxi.

C3(b) use

C3(b) comprises use as a dwellinghouse, as a sole or main residence, by not more than six residents living together as a single household where care is provided for residents.

The definition of care within the interpretation includes 'personal care' for people in need of such care by reason of ... *disablement ... or present mental disorder*.

To qualify as C3(b), the use must therefore involve:

- the use of a dwellinghouse
- as a sole or main residence
- by not more than six residents
- living together as a single household
- with care being provided to the residents, which can include personal care due to their disablement or present mental disorder.

The introduction of the C3(b) classification, as explained in Department of Environment Circular 13/87 (para 27), was to provide more certainty over the planning position of '*... small group homes, which play a major role in the Government's community care policy which is aimed at enabling disabled and mentally disordered people to live as normal lives as possible in touch with the community.*'

The applicants have provided information detailing how the property will be used and the type of care support provided – showing that the property will be occupied by up two tenants living together as a single household and receiving personal care within a home environment / setting. Initially, there may be one tenant living on their own, with a second tenant placed in due course, or 2 new tenants.

The applicants have recently secured lawful development certificates in Southampton for C3(b) use for a single occupant (in a two bed detached dwelling and a two bed flat):

- 25/00117/ELDC - Application for a lawful development certificate for existing use as supported living dwelling, class C3(b), 231A Upper Deacon Road, Southampton.

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- 26/00400/ELDC - Application for a lawful development certificate for the existing use of the dwelling by a single tenant living as a single household and receiving care falls within Use Class C3(b), Flat 3 486 Bursledon Road, Southampton.

Occupation by a single person is not therefore a barrier to a property falling within Use Class C3(b).

CQC registration confirms that AHC provide care and support to autistic people and people with a learning disability *living in their own home* and in a 'supported living' setting.

This will be the resident's sole / main residence- they will each have their own AST's and pay their own rent and share of the bills.

The personal care they receive is tailored to their needs and operates in a supervisory capacity, providing support with tasks such as getting dressed and with personal hygiene, managing money and bills, managing medication, helping them undertake daily tasks within the home, preparing healthy meals, encouraging them to try to new experiences / learn new skills and accompanying them to appointments and on trips to the shops, park, etc.

The provision of 24 hour care by non-resident support staff is not a barrier to a use falling within C3(b), as confirmed in the case of *Crawley Borough Council, R (on the application of) v Helberg (t/a The Evesleigh Group) [2004] EWHC 160 (Admin) (23 January 2004)*.

A copy of the judgement can be supplied if required.

Reasons why a certificate should be granted

- Planning, Council Tax records and sales details confirm the existing dwelling is C3.
- The dwelling will be occupied by up to two tenants (over the age of 18) with learning difficulties who will live together as a shared household and will be their main residence. They will manage the household and undertake daily domestic tasks under the supervision of non-resident support workers, i.e. receive personal care (supported living). During the day there would be a minimum of two / maximum of 4 support workers in the property. At night less support workers will be required (minimum of 2).
- The proposed use would therefore fall within the Class C3(b) definition.
- The Use Classes Order 1987 confirms that a change of use within the same use class is not development requiring planning permission (Section 3(1)).

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- Change of use from C3 to C3(b) is not development requiring planning permission and is therefore lawful.

Accordingly, a certificate should be granted.

Should you require any further information or evidence, please do not hesitate to get in touch.

Otherwise, we look forward to receiving the certificate at the earliest opportunity.

Yours faithfully,



Neil March, BSc (Hons) Dip TP MRTPI
Director

