

# Delegated Decision Report

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|------------------------|----------------|----------------------------------|-------------------------------------|
| <b>Application No:</b> | <b>25/0996</b> | <b>Statutory Period Expires:</b> | <b>6<sup>th</sup> February 2026</b> |
|------------------------|----------------|----------------------------------|-------------------------------------|

|                   |                                                                                                                                                          |              |                   |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-------------------|
| <b>Site:</b>      | <b>3 Courtney Street Newport NP19 7AW</b>                                                                                                                |              |                   |
| <b>Proposal:</b>  | <b>LAWFUL DEVELOPMENT CERTIFICATE FOR THE PROPOSED USE OF THE EXISTING C3 DWELLINGHOUSE AS A SUPPORTED LIVING HOME CLASS C3(B) FOR UP TO 5 RESIDENTS</b> |              |                   |
| <b>Applicant:</b> | <b>R Starr</b>                                                                                                                                           |              |                   |
| <b>Type:</b>      | <b>Lawful Development Proposed</b>                                                                                                                       | <b>Ward:</b> | <b>St Julians</b> |
| <b>Decision:</b>  | <b>GRANTED</b>                                                                                                                                           |              |                   |

## 1. BACKGROUND

1.1 None.

## 2. SITE LOCATION AND CONTEXT

2.1 The property is a double fronted mid terraced property that currently comprises a 4no bedroom dwelling. The property also benefits from a two-storey annex at the rear that is accessed via the existing property as well as the rear lane.

## 3. DESCRIPTION OF DEVELOPMENT

3.1 This application has been submitted to confirm, via a lawful development certificate, that the proposed use of the property as supported housing for up to five residents would fall within use class C3b of the Town and Country Planning (Use Classes) Order 1987 (as amended) and that no material change of use would take place from the current C3 use.

3.2 Some internal changes have been made to accommodate the proposed use. The proposed layout over two floors would contain a living room, kitchen, utility, shower room, WC, staff room, retreat, bathroom and 5no bedrooms. No external changes are proposed.

## 4. RELEVANT SITE HISTORY

| <b>App Number</b> | <b>Proposal</b>                                                                      | <b>Decision</b>         | <b>Decision Date</b> |
|-------------------|--------------------------------------------------------------------------------------|-------------------------|----------------------|
| 89/0515           | SINGLE STOREY FRONT EXTENSION AND ALTERATIONS TO EXISTING REAR ELEVATION OF DWELLING | GRANTED WITH CONDITIONS | 25/08/89             |

## 5. PLANNING POLICY

5.1 THE NATIONAL DEVELOPMENT FRAMEWORK: FUTURE WALES - THE NATIONAL PLAN 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

5.2 PLANNING POLICY WALES (EDITION 12) 2024

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the

development process and should be applied to all development proposals at all scales.

## **6. CONSULTATION RESPONSES**

6.1 None.

## **7. PUBLIC REPRESENTATIONS**

7.2 None.

## **8. ASSESSMENT**

8.1 The key consideration as part of this Lawful Development Certificate is whether the use as described is lawful having regard to the apparent lawful use as C3 dwelling to be used as a C3b dwelling providing supported housing for up to five residents.

8.2 In accordance with the Town and Country Planning (Use Classes) Order 1987 (as amended), the C3 Use class is formed by three 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 to allow for those groupings that do not fall within the C4 HMO definition to be provided for, e.g. a small religious community may fall into this category as could a homeowner who is living with a lodger.

8.3 An appeal case concerning the occupation of a bungalow in Nottinghamshire by five adults with learning difficulties and mental health issues throws light on the distinction between C3 and C2 Use Classes (DCS Number [200-004-885](#)). The Council had served an enforcement notice alleging the unauthorised change of use of the property from a dwellinghouse (C3) to a residential care home (C2). Meanwhile, the appellant sought a certificate of lawfulness, claiming that the existing use was for five residents living together as a single household and receiving care as permitted by C3(b). The inspector found that the enforcement notice had been issued without the proper authority and therefore declared it a nullity. Turning to consideration of the LDC appeal, however, he recorded that Class C3(b) is defined as the use as a dwellinghouse by not more than six residents living together as a single household where care is provided for residents. He reasoned that the fundamental question was whether the residents of the property formed a single household.

The inspector referred to *North Devon District Council v First Secretary of State* [2003] in which it was held that children were not capable of forming a single household in the absence of a live-in carer on the basis that children are not generally capable of running a household themselves. In the North Devon case the judge remarked that the same would apply to adults who suffer from mental or physical disability who need care in the community. However, that judgment was considered in detail in *R (on the application of Crawley Borough Council) v FSS and Eve Helberg (Trading as the Evesleigh Group)*. In reaching his judgment on 'Eve Helberg' the judge remarked that he would be reluctant to read the comments of the judge in the North Devon case as laying down a principle that those who suffer from disability or are in need of care can never constitute a household. He concluded that the correct position is that a judgement needs to be made based upon the facts of each individual case having regard to the nature of the disability suffered and the degree of care required.

The inspector saw that the layout of the property was largely what one would expect of any family home, with a communal lounge, kitchen and garden area. Locks were provided on bedroom doors to provide privacy and security but he held that that, of itself, did not dictate that the residents did not form a single household, having regard to the prevailing sense of

communal living. In proportion to the scale of the building as a whole he considered that the manager's office was small and not unexpected in a home where care was provided. There was nothing inherent within the layout of the property that would suggest that the use would fall outside Use Class C3(b), the inspector determined. In addition, he recorded that the residents had formed friendship bonds. The communal living arrangements and the way in which household tasks were undertaken indicated to him that they were living as a single household, and care was provided on a shift basis such that none of the care workers were resident at the property. He noted that there had been incidents of noise and antisocial behaviour but reasoned that it is inherent within the terms of the Use Classes Order that those with mental disorders may fall within Class C3(b). Whilst acknowledging that the behaviour of residents might seem unusual or intimidating to neighbours, the incidents recorded by the police did not indicate that the residents were incapable of forming a household for the purposes of Class C3(b). A certificate of lawfulness was issued on the basis that the property was in use as a dwellinghouse as defined by Class C3(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and no material change of use had taken place from the previous lawful use within Class C3(a) of that Order.

8.4 The following information has been taken from the planning statement provided in support of the application.

- Residents will be adults aged 18 years and over who have been assessed as requiring supported living with personal care due to disability and autism.
- The residents will receive support to assist independent living within a domestic, non-institutional environment.
- Residents will live together as a single household, with shared domestic routines reflective of ordinary family life. This would include shared use of the kitchen, lounge, bathrooms and garden. As well as joint meal preparation and dining together, shared household chores and bill management and the participation in social activities.
- The annex at the rear will operate as a fully integrated part of the same C3(b) household. It provides a therapeutic retreat area for residents who may periodically require a quieter space due to sensory, emotional, or mental health needs.
- Staffing will be provided on a shift basis, with one to one or shared support delivered as required. Typical staffing arrangements are: Day shift 08:00-20:00 and night shift 20:00-23:00 followed by a sleep in role until 07:00, finishing at 08:00.
- Across the day there will be staff working at different times (for example keyworkers, floating support, domestic support). Overnight, staffing will typically consist of up to 2 sleep in staff. The staff work shifts and will not be resident.
- Care provided includes assistance with; daily living tasks (cooking, laundry, cleaning, budgeting), medication prompts and management support, access to health appointments and community based activities, emotional regulation, structure support and the development of independence, self-care and life skills.

8.5 When considering whether the proposed use would fall within use class C3b, the primary consideration is whether the occupants of the property will truly live together as a single household. The key aspect in order to fall within the C3 use class is whether occupants will be undertaking activities together and forming relationships as you would expect of a genuine single household with care provided. In essence, would the property still look and "feel" like a dwelling. The DCLG Definitions of General Housing Terms document, 'Definitions of general housing terms' refers to Use Class C3(b). It notes that *'one person or a group of people who have the accommodation as their only or main residence and (for groups) either share at least one meal a day or share the living accommodation, that is, a living room or sitting room, shall be considered to comprise a single household.'*

When considering if the individuals will be 'living together as a single household' this is a test of fact and degree. The majority of the property (i.e. kitchen, living room, garden, retreat, bathrooms) would be shared and the layout is largely what would be expected of a family home. Whilst there would be care 24 hours a day where there would be 2-3 staff on per day as well as 2 sleep in staff, this would be in a shift system and so carers would not be considered full time residents. Staff are present to support the individuals to undertake

day to day tasks and work towards communal living. No medical care or treatment would be administered by staff. The planning statement confirms that residents will live together as a single household, with shared domestic routines reflective of ordinary family life. This would include shared use of the kitchen, lounge, bathrooms and garden as well as joint meal preparation and dining together, shared household chores and bill management and the participation in social activities. On balance, having had regard to the aforementioned decisions and the information submitted by the applicant, it is considered that the use of the property for up to 5no. adults who live as a household and receive support has demonstrated the use is C3(b) and would be a lawful use of the property.

## **9. OTHER CONSIDERATIONS**

### **9.1 *Crime and Disorder Act 1998***

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

### **9.2 *Equality Act 2010***

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

### **9.3 Having due regard to advancing equality involves:**

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

### **9.4 The above duty has been given due consideration in the determination of this application. It is considered that there would be no significant or unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.**

### **9.5 *Planning (Wales) Act 2015 (Welsh language)***

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material effect upon the use of the Welsh language in Newport as a result of the proposed decision.

### **9.6 *Newport's Well-Being Plan 2018-23***

The Wellbeing of Future Generations (Wales) Act 2015 imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. This duty has been considered during the preparation of Newport's Well-Being Plan 2018-23, which was signed off on 1 May 2018. The duty imposed by the Act together with the goals and objectives of Newport's Well-Being Plan 2018-23 have been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the proposed decision.

## **10. CONCLUSION**

### **10.1 Having had regard to the aforementioned decisions and the information submitted by the applicant, it is considered that the use of the property for up to 5no. adults who live as a household and receive support has demonstrated the use is C3(b) and would be a lawful use of the property.**

## **11. DECISION**

### **GRANTED**

01 The proposed use of the property as a supported living home for up to 5 adult residents falls within Class C3(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and is lawful.

#### *NOTE TO APPLICANT*

01 This decision relates to plan Nos: Location and Block Plan Drawing No.25-148-01, Existing Floor Plans Drawing No.25-148-02, Existing Elevations Drawing No.25-148-03, Proposed Floor Plans Drawing No.25-148-04 and Planning Statement.

02 The development plan for Newport is the Newport Local Development Plan 2011 – 2026 (Adopted January 2015). No policies were relevant to the determination of this application.

03 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.