

Delegated Report

Planning Reference 25/00525/CLP
Applicant(s) Sipiwe Magoche
Ward Earl Shilton



Hinckley & Bosworth
Borough Council

Application Site 123 Mill Lane, Earl Shilton, Leicester

Proposal Certificate of proposed lawful development for the temporary use of Bedroom 3 for six months for commercial office use in association with a domiciliary care company (Use Class E(g)(i))

Case Officer Sullivan Archer (Senior Planning Officer)

1. Recommendations

1.1. Grant Certificate of Lawful Proposed Development

2. Planning Application Description

- 2.1. This application seeks a Certificate of Lawful Proposed Development to confirm that the temporary use of Bedroom 3 within a residential property as a commercial office (Use Class E(g)(i)) associated with a domiciliary care company for six months at 123 Mill Lane, Earl Shilton is lawful development. The Applicant has confirmed that the proposed use has not commenced within the site and no alterations are proposed to the existing dwelling.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located to the north of Mill Lane to the east of, and within the identified settlement boundary of, Earl Shilton. The site consists of the residential property, 123 Mill Lane, which is a large, two-storey, red-brick dwelling that forms the final built form of Mill Lane before open countryside to the north, east, and southeast. A Public Bridleway runs in a southerly direction to the east of the site on the opposite side of Mill Lane. The wider built of Earl Shilton is located to the east of the site, including Earl Shilton Cemetery, which is to the southwest of the site. Mill Lane is wholly residential in character and typically consists of two-storey properties with a partial red brick and white rendered finish.

4. Relevant Planning History

- 4.1 There is no relevant planning history within this application site that is applicable to the current application.

5. Publicity and Consultation

- 5.1. There is not a statutory requirement to consult third parties on an application for a lawful development certificate. It may, however, be reasonable for a local planning authority to seek evidence from these sources, if there is a good reason to believe they possess relevant information about the content of a specific application.
- 5.2. Notwithstanding this, views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question are irrelevant when determining the application.
- 5.3. In this instance, the neighbouring property was consulted on this application. No responses were received.

6. Policy

- 6.1 Section 192 of the Town and Country Planning Act 1990.
- 6.2 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

7. Appraisal

- 7.1 Section 192 of the Town and Country Planning Act 1990 enables any person with the opportunity to ascertain whether any proposed use of buildings or other land, or any operations proposed to be carried out in, on, over or under land would be lawful.
- 7.2 The statutory framework covering, 'lawfulness,' for lawful development certificates is set out in Section 191(2) of the Town and Country Planning Act 1990. Section 191(2) of the Town and Country Planning Act 1990 confirms that uses and operations are lawful at any time if:
 - (a) No enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and
 - (b) They do not constitute a contravention of any of the requirements of any enforcement notice then in force.
- 7.3 Paragraph 55(1) of the Town and Country Planning Act 1990 defines, 'development' as the carrying out of building, engineering, mining, or other operations in, on, over, or under land, or the making of any material change in the use of any buildings or other land.
- 7.4 In accordance with National Planning Practice Guidance (NPPG), the applicant is responsible for providing sufficient information to support an application.

- 7.5 In the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved. Without sufficient or precise information, a local planning authority may be justified in refusing a certificate. However, this does not preclude another application being submitted later on if more information can be produced.
- 7.6 The NPPG confirms that a local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is, or would be, lawful. Planning merits are not relevant at any stage in this particular application.
- 7.7 There are no provisions within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO') that enable a Use Class C3 dwellinghouse to be converted into a commercial use via Permitted Development Rights.
- 7.8 Therefore, the main issue for consideration within the determination of this application is whether the temporary use of the Bedroom 3 within an existing Use Class C3 dwellinghouse to a Use Class E(g)(i) commercial office use is considered to represent a material change of use in these site-specific circumstances to the degree that the development requires full planning permission.
- 7.9 The proposal is for the conversion of the Applicant's Bedroom 3 into a commercial office (Use Class E(g)(i)) associated with a domiciliary care company, 4YOURCARE LTD, for six months. 4YOURCARE LTD is a start-up business that the Applicant runs the business with their husband, which provides care in the community directly to people's homes.
- 7.10 The Applicant has applied to register their company with the Care Quality Commission (CQC), which is still being processed. The CQC confirmed that the Applicant is required at the latest to move their offices into a commercial premises three months after registration. As of 18 July 2025, the Applicant has still not secured a commercial premises for their business, but they have confirmed that they are waiting for the CQC registration process to be completed.
- 7.11 The proposed temporary use of Bedroom 3 is to carry out all the administrative tasks associated with the operation of the business. The Applicant has stated that they shall be the only member of staff that shall utilise the proposed commercial office space for the proposed six months.
- 7.12 Given the above, the proposed use of Bedroom 3 at 123 Mill Lane is for a temporary period of time and the extent of the use is to undertake the administrative tasks for the operation of the Applicant's business. The Applicant is the only member of staff who shall utilise this temporary use and this temporary use is within their own residential property.
- 7.13 By virtue of these factors, whilst the proposal is considered to be for a Use Class E(g)(i) use, the scheme is not considered to result in a significant, nor material change to the use of the premises as a Use Class C3 use.

- 7.14 Therefore, the proposed change of use in these site-specific circumstances is not considered to amount to development for which planning permission is required. As a result, it is recommended that a Lawful Development Certificate for the temporary use of Bedroom 3 at 123 Mill Lane, Earl Shilton as a commercial office (Use Class E(g)(i)) space associated with the Applicant's domiciliary care company for a period of up to six months is granted.

8. Equality Implications

- 8.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; and
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 8.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

- 8.3 There are no known equality implications arising directly from this development.

- 8.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

9. Conclusion

- 9.1 The proposed temporary change of use of Bedroom 3 within a Use Class C3 dwellinghouse at 123 Mill Lane, Earl Shilton to a Use Class E(h)(i) commercial office use associated with the Applicant's domiciliary care company for a period of six months is not considered to represent a significant material change to the use of the premises in its existing use in these site-specific circumstances.

9.2 Therefore, the proposed change of use in these site-specific circumstances is not considered to amount to development for which planning permission is required, and it is recommended that a Lawful Development Certificate for this specific use at 123 Mill Lane, Earl Shilton is granted.

9.3 This conclusion is made on the basis of details provide by the Applicant, and as shown on the following documents received by the Local Planning Authority:

- Application Form (submitted: 28.05.2025)
- Cover Letter (submitted: 30.05.2025)
- Letter from Mortgage Provider (submitted: 28.05.2025)
- Floor Plan (submitted: 18.07.2025)
- Site Location Plan (submitted: 28.05.2025)
- Supporting Statement (submitted: 18.07.2025)

10. Recommendation

10.1 Grant Certificate of Proposed Lawful Development