

Delegated Report

Planning Ref: 23/01198/CLP
Applicant: Alpine4care Services
Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Site: 56 Applebees Meadow, Hinckley, Leicestershire

Proposal: Lawful development certificate for change of use from dwelling [Class C3(a)] to a single household of not more than 6 residents where care is provided [Class C3(b)]

1. Recommendations

Grant Certificate of Proposed Lawful Use

2. Planning application description

- 2.1. The proposal is for a change of use from Class C3 (a) to Class C3 (b) at an end of terrace property within the settlement boundary of Hinckley. There would be no exterior works.

3. Description of the site and surrounding area

- 3.1 56 Applebees Meadow is an end of terrace two storey dwelling located within the settlement boundary of Hinckley. The immediate streetscene is uniform, featuring a range of two-storey terraced and semi-detached properties, finished with red brick or white render.

4. Relevant planning history

None.

5. Publicity

- 5.1. Not required for this application type.

6. Consultation

- 6.1. Not required for this application type.

7. Policy

- 7.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

8. Appraisal

- 8.1 The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 confirms in Part B of the Schedule that uses falling within Class C3 'Dwellinghouses' comprise of three subsections wherein uses can be interchangeable whilst remaining within this class.
- 8.2 The property therefore currently falls within a Class C3(a) use but under these provisions could change to a Class C3(b) use to enable up to six persons to live together as a single household receiving care.
- 8.3 The applicant proposes to operate the premises as a residential institution use which falls within Class C3(b) which would provide accommodation for two children aged 8-18, up to three staff working in the day and two sleeping in the night.

8.4 At any time a maximum of six persons (3 carers, 2 children and 1 manager) would be present at the property and a minimum of four persons (2 carers and 2 child). This falls within the 6 person criteria as set out in Class C3(b).

8.5 The proposed change of Lawful Use falls under The Town and Country Planning Order 2015 and is considered acceptable.

9. Equality implications

9.1 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;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 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.

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

9.4 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).

10. Conclusion

10.1 The proposed change of use of to a Class C3(b) from its current use as a Class C3(a) would not result in a material change of use and a certificate of lawfulness can be issued.

11. Recommendation

11.1 Grant Certificate of Proposed Lawful Use

Reasons:

1. The application has been determined with consideration to the following submitted documents:
 - Block Plan. Received 11/12/2023
 - Site Location Plan. Received 11/12/2023

Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.