

Application ref: 2020/5970/P
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Maddox Planning
68 Hanbury Street
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Dear Sir/Madam

DECISION

Town and Country Planning Act 1990

Certificate of Lawfulness (Proposed) Granted

The Council hereby certifies that the development described in the First Schedule below, on the land specified in the Second Schedule below, would be lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 as amended.

First Schedule:

Use of the property as use class C3 (b) children's home.

Drawing Nos: Site Location Plan; and Planning Statement by Maddox Planning dated 22/12/2020.

Second Schedule:

67 Bayham Street
London
NW1 0AA

Reason for the Decision:

- 1 The works are not considered to fall within the "meaning of development" requiring planning permission as defined by the Town and Country Planning Act 1990.

Informative(s):

- 1 Reason for granting.

This is an application for a certificate of lawfulness for the proposed change of use of 67 Bayham Street from C3 (a) to C3(b) - use as a dwelling house for 3

children/young people living together as a single house and receiving care.

Use Class C3(b) is defined in Part C of the Town and Country Planning (Use Classes) Order 1987 as - Use as dwellinghouse (whether or not as a sole or main residence) - by not more than 6 residents living together as a single household, including a household where care is provided for residents.

Information provided in support of this application shows that the property will be used as a dwellinghouse for a maximum of 3 young people. There are two staff shifts: daytime (8am to 8pm) and night-time (8pm to 8am). Each shift has one staff. The night-time staff do not sleep in the home but stay awake. Care is provided in the form of domestic chores, cleaning and preparing meals for themselves and the children.

The home is registered with Ofsted ('the Regulators') and it will inspect the home once a year. The home also adheres to the Children's Homes Regulations (England) 2015 as well as the Quality Standards set out by Ofsted.

The proposed floor plan includes a communal kitchen, living room, garden and WC at ground floor level, bedroom and shower rooms at first floor level and two bedrooms at second floor level. The change in use would not result in physical changes to the property or its layout, nor would it result in changes to the current function of the property.

The proposal is not considered to amount to a material change of use as there would be no significant difference in character of the activities relating to the existing use. The environment in which residents would live would reflect that of a family home and the operation of the property would fall within Use Class C3(b). As such it would not constitute as development and therefore would not require planning permission.

In dealing with the application, the Council has sought to work with the applicant in a positive and proactive way in accordance with paragraph 38 of the National Planning Policy Framework 2019.

You can find advice about your rights of appeal at:

<http://www.planningportal.gov.uk/planning/appeals/guidance/guidancecontent>

Yours faithfully



Daniel Pope
Chief Planning Officer

Notes

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the use*/operations*/matter* specified in the First Schedule taking place on the land described in the Second Schedule was*/would have been* lawful on the specified date and thus, was not*/would not have been* liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This Certificate applies only to the extent of the use*/operations*/matter* described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use*/operations*/matter* which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the Certificate is also qualified by the provision in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.