

LDC (Existing) Report		Application number	2021/0259/P
Officer		Expiry date	
John Sheehy		17/03/2021	
Application Address		Authorised Officer Signature	
Maisonette Ground Floor Rear And 1st Floor Rear 21 B Bayham Street London NW1 0EY			
Conservation Area		Article 4	
Yes, Camden Town CA		No	
Proposal			
Use of the site as a children's home (Class C3b).			
Recommendation:		Grant certificate	

Legal Context:

Town and Country Planning Act 1990 (as amended)

Section 55 of the Town and Country Planning Act 1990 states that "development," means 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.

Paragraph (2)(a) and (2)(f) of Section 55 of the Town and Country Planning Act 1990 states:

'The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land –

(a) the carrying out for the maintenance, improvement or other alteration of any building or works which –

(i) affect only the interior of the building, or

(ii) do not materially affect the external appearance of the building,

(f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.'

The unit has been in use as a children's home (C3b) since November 2014 and prior to this was in residential use as a Class C3 unit. The proposal would not involve any exterior alterations.

Information provided in support of this application shows that the property is used as a residential unit for a maximum of 2 young people. The home is registered with Ofsted ('the Regulators') who inspect the premises once a year. Council tax records demonstrate a 100% exception for the property due to occupation by under 18 year olds. This has run from 2014 until the present.

There are two staff shifts: daytime (8am to 8pm) and night-time (8pm to 8am). Each shift has one member of 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.

Accommodation is provided over two levels, ground and first floors. A communal living room and a kitchen are at ground floor as well as a bathroom and study. One bedroom is at ground floor, one at first floor. The use falls within Class C3 (b).

Given the above and as the total occupancy will not be above 2 people living together it is not considered to result in the intensification of use.

The proposed residential use as described in the submitted application would not involve a material change of use and would be similar to use as a single residential dwelling. The proposal as described within the application would not constitute development, and would not therefore require planning permission.

Recommendation: Approve