

RECORD OF EXERCISE OF DELEGATED AUTHORITY BY OFFICER PURSUANT TO REGULATION 13 OF THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012 & THE OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS 2014

<u>SUBJECT OF DECISION</u> Application for a Lawful Development Certificate for the change of use from supported living accommodation (Use Class C3b) to a children's home for up to two children (Use Class C2). ("the proposed development") – Planning application reference: 041748			
<u>DECISION REFERENCE</u> DO/38/2026 (MW)	<u>SOURCE OF AUTHORITY AND REFERENCE</u> (i.e. Committee/ Constitution/Minute No. etc. Part 3E.3 a) <table border="1"> <tr> <td>Ss.191 to 194, Town and Country Planning Act 1990</td> <td>Certificate of lawful use or development except when called in for decision by Planning Applications Committee pursuant to the process outlined in Part 3E.7 iv.</td> </tr> </table>	Ss.191 to 194, Town and Country Planning Act 1990	Certificate of lawful use or development except when called in for decision by Planning Applications Committee pursuant to the process outlined in Part 3E.7 iv.
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<u>DATE OF DECISION</u> 16/09/2026	<u>DECISION MAKER (Name and Job Title)</u>  Matt Wallbank <u>Assistant Director – Democracy & Governance</u>		
<u>RECORD OF THE DECISION</u> a) The issue Under section 192 of the Town and Country Planning Act 1990, an applicant can ascertain whether any development carried out in, on, over or under land is lawful. This can be done by applying for a certificate of lawfulness. This application is seeking to ascertain that the proposed change of use from Use Class C3 (dwellinghouse) to C2 (residential institution) as defined by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, which includes care homes, nursing homes and other uses which provide accommodation and care for people in need is lawful without the requirement of a planning application. b) The Decision The Certificate be issued for the proposed development. Planning application reference: 041748			

<u>REASON FOR THE DECISION</u> The assessment is a matter of law, fact and degree. The applicants have submitted proposals that satisfy the requirements of the 2015 Order
<u>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED IN MAKING THE DECISION</u> Reject the application. This was not an option in view of the submitted proposals on the basis the use class is Class C2 (following legal review) rather than the use proposed in the application itself (Class C3).
<u>WARD RELEVANCE</u> St Nicolas
<u>FINANCIAL AND BUDGET IMPLICATIONS</u> None
<u>CONSULTATION UNDERTAKEN WITH MEMBERS/OFFICERS</u> Consultation has been undertaken with the Legal Services Team and the Planning Team. It is worth noting that following the legal review, the applicant was contacted regarding the use class being considered as C2 rather than C3 as proposed in the application. The applicant has confirmed this is acceptable.
<u>ANY CONFLICT OF INTEREST DECLARED BY ANY MEMBER CONSULTED</u> None
<u>IN RESPECT OF ANY DECLARED CONFLICT BY A CABINET MEMBER, ANY DISPENSATION GIVEN BY THE HEAD OF PAID SERVICE</u> (Note if the decision is a non-executive decision, no dispensation can be given). Not applicable
<u>EQUALITIES IMPLICATIONS</u> None
<u>HUMAN RESOURCES IMPLICATIONS</u> None
<u>FINANCIAL IMPLICATIONS</u> None
<u>HEALTH EQUALITIES IMPLICATIONS</u> None
<u>SECTION 17 CRIME & DISORDER IMPLICATIONS</u> None

RISK MANAGEMENT IMPLICATIONS

None

SME (SMALL/MEDIUM ENTERPRISES) & LOCAL ECONOMY IMPLICATIONS

None

ENVIRONMENTAL IMPLICATIONS

None

LEGAL IMPLICATIONS

This decision complies with Section 192 of the Town & Country Planning Act 1990.

ANY OTHER COMMENTS

None

**PLEASE RETURN TO THE MONITORING OFFICER AS SOON AS A DECISION IS MADE OR
AS REASONABLY PRACTICABLE THEREAFTER**