

4 Lucas Way
Haywards Heath
West Sussex
RH16 1JR

28th August 2025

Planning Application DM/25/1968 at 1 Lucas Way, Haywards Heath, RH16 1JR - Use of a (C3) dwelling as a children's home for a maximum of 3 children with up to three carers, two sleeping overnight working on a rota basis.

Dear Mr. Galyas,

I write in regarding the Notification of Planning Application dated 8th August 2025 for 1 Lucas Way, where the applicant seeks a Lawful Development Certificate ("LDC") under Section 192 of the Town and Country Planning Act 1990 to operate 1 Lucas Way as a children's home for a maximum of 3 children with up to three carers, two sleeping overnight working on a rota basis.

I object against this application with full details of the objection set out below.

Background information

- Lucas Way is a small cul-de-sac with six houses; access is only via Lucastes Road.
- The road is quiet, with no pavements and parking restrictions of 9am-10am and 1pm-2pm. There is limited traffic due to the nature of the road and the number of residents. There is a narrow turning circle at the end of the road.
- All properties fall within the Lucastes Conservation Area. The MSDC publication "Conservation Areas in Mid Sussex" indicates that this conservation area is characterised by *"the absence of on-street parking and a low traffic flow"*.
- 1 Lucas Way borders five other properties (which are not fully detailed on the block plan): 2 Lucas Way, 27, 25, 23, and 19 Lucastes Way.

Not a "Single Household"

The applicant's main argument in the application is that 1 Lucas Way as a children's home will fall within Class C3(b) (Children's Care Home). The covering letter states that carers will "sleep overnight at the site changing on a rota system." However, the nature of the rota system of care is incompatible with the definition of "single household". The Town and Country Planning (Use Classes) Order 1987 defines Class C3 as follows: use as a dwellinghouse, as a sole or main residence and occupied for more than 183 days in a calendar year by not more than six residents living together as a single household where care is provided for residents.

Established Case Law, particularly North Devon District Council v. The First Secretary of State [2003] EWHC 157 has determined that children cannot form a household and carers who do not reside in a property, but who provide care, cannot be regarded as living together and consequently cannot be regarded as a single household as defined in Use Class C3(b). The Planning Inspectorate has upheld this where carers are working on a rota basis. APP/E2530/X/24/3354568 states: the proposed use of the house is as a children's care home for two children, who could live there from the age of six to the age of eighteen. This use would be within Class C2 and not within Class C3. The children would not form a household, on account of their age and their dependence on carers who were not residents but would be working in the home on a rota basis.

Conclusion: As the nature of the proposal is not a single household, the LDC under Class C3(b) should not be allowed and MSDC should reject this application on this basis.

Theoretical Consideration of a Change of Class to C2

It is noted that the applicant has stated the following in their covering letter: “The proposal constitutes a change of use from Use Class C3(a) dwellinghouse to C2 Residential Institution, but this is not considered a material change of use and does not require planning permission. No changes are proposed to the external appearance of the building or surrounding land. Similar proposals have been submitted [,,,] These cases were not deemed to constitute a material change of use. The material considerations and nature of use proposed in this current application are essentially the same as those in the above cases.”

It is inappropriate for the applicant to leverage a single application to cover multiple possibilities of Class 3(b) or C2. The covering letter lacks substantial and important detail for MSDC to effectively decide. To “evidence” non-materiality, the applicant has provided limited information about the day-to-day operation of the care home. In the cases cited by the applicant, detail provided about the proposed nature and operation of the Childrens’ Homes had significant depth, including 17-page supporting statements focusing on proposed traffic movements, shift times, however, details in respect of the proposed usage of 1 Lucas Way are extremely limited.

In case APP/R2330/X/22/3309304: the Planning Inspectorate held that despite there being off-road parking at the property, parking considerations should be considered when determining materiality. Furthermore, that the potential change of use to a Children’s Care home would create greater potential for visits from external agencies. So the applicant had not demonstrated, on the balance of probabilities, that ... *“there would not be material change of use to a C2 use”*.

In case APP/G4240/X/23/3327733: the Planning Inspectorate held that in the road in question, which appears to be extremely similar in nature to Lucas Way, would result in a significantly different character from the existing residential use with relevant factors including the movement to and from the premises associated with such a use, including shift patterns, the need for visitors on a regular basis (including emergency services). If the existence of the Lucastes Conservation Area is additionally considered, then this should be sufficient to require MSDC to consider that such a proposed change is ‘material’.

Conclusion: The applicant appears to be formally applying for C3(b), but informally appears to suggest a fallback of Class C2 (presumably if the C3(b) application fails). It is inappropriate for the applicant to try to leverage a single application to cover both possibilities. The application is for C3 to C3(b), and the request for a LDC should only be determined on this basis.

Throughout the applicant contends that such a change would not constitute a “material” change of use. However, if MSDC were to consider a LDC under C3 to C2 change of use, previous judgements contend that this may be material and constitute “development” under Section 55 of the Town and Country Planning Act 1990, particularly given the quiet nature of the Lucas Way cul-de-sac, limited on-road parking, and the stated nature of the Lucastes Conservation Area.

I oppose Planning Application DM/25/1968 in full. I trust it will be referred to the Planning Committee for determination and no Lawful Development Certificate be granted under Class C3(b) or C2 without full consultation.

Yours sincerely,

