

Stefan Galyas

From: [REDACTED]
Sent: 08 October 2025 17:41
To: Stefan Galyas; planninginfo
Subject: 1 Lucas Way Haywards Heath West Sussex RH16 1JR - DM/25/1968

[REDACTED]
Reference: DM/25/1968

Description: Use of a (C3) dwelling as a children's home for a maximum of three children with up to three carers, two sleeping overnight, working on a rota basis.

Location: 1 Lucas Way, Haywards Heath, West Sussex, RH16 1JR

Dear Mr Galyas,

I write in respect of the above application for a Lawful Development Certificate (LDC) seeking to establish the use of 1 Lucas Way as a children's home within Use Class C3(b). I have now reviewed the additional supporting material submitted on 26 September 2025, including the "Statement of Purpose – Thea House" and the applicant's covering correspondence.

Having considered the new evidence, I respectfully submit that the proposal cannot lawfully be considered Use Class C3(b) for the following reasons:

1. Institutional Operation – Evidence of Use Class C2, not C3(b)

The Statement of Purpose confirms that *Thea House* will operate as a registered children's home under the *Children's Homes Regulations 2015*, overseen by Ofsted with Regulation 44 independent inspections. It refers to a full staff hierarchy including a Responsible Individual, Registered Manager, Deputy Manager, Senior Support Workers, and multiple shift staff.

Such an arrangement demonstrates that this is not a household where residents live together as a family, but a residential institution providing care on a commercial and professional basis.

The use therefore falls squarely within Use Class C2 – Residential Institutions, not C3(b).

2. Staffing and Shift Patterns Demonstrate Non-Residential Character

The agent's own letter confirms that:

- Up to three carers will be on site at any one time.
- Staff will operate on four-day-on / four-day-off shift rotas.

This level of staffing and rotation is inconsistent with a single household. The property will experience continuous comings and goings by care staff, social workers, therapists, and independent visitors (as detailed in Section 10 of the Statement of

Purpose). Such movements materially alter the character of the use from a private dwelling.

Numerous appeal decisions have held that rotating staff and a managed regime prevent the formation of a “single household” (e.g. *North Devon DC v First Secretary of State* [2003]; *Brighton & Hove CC APP/Q1445/X/18/3211223*).

3. Ofsted Registration Confirms the Use is “Children’s Home”, not Dwellinghouse
Page 4 of the Statement of Purpose expressly states that “Ofsted ... registers Thea House as a children’s home in compliance with the Care Standards Act 2000 and the Children’s Homes Regulations 2015.”

Such registration legally recognises the operation as a regulated care facility, which falls within Class C2.

A property cannot simultaneously be an Ofsted-registered children’s home *and* a dwellinghouse in ordinary use.

4. Change in Character and Impact on Amenity

While amenity issues are not determinative under an LDC, the intensity and professional nature of this operation confirm that the character of the use differs materially from that of a domestic residence.

The Statement of Purpose refers to:

- Night alarms and Ring doorbell surveillance;
- Regular external professional visits (social workers, independent reviewers, Regulation 44 visitors); and
- Rotating staff presence 24 hours a day.

These are features of an institutional use, not a domestic household.

5. Insufficient Evidence to Prove Lawfulness

The burden of proof in an LDC application lies with the applicant, who must demonstrate lawfulness on the balance of probabilities.

Despite the additional documentation, there remains no operational plan showing how the home would function as a single household under C3(b).

Instead, every aspect of the new material confirms a structured, regulated institutional environment under the Children’s Homes Regulations, not a domestic arrangement.

Conclusion

In light of the above, I submit that the proposed use constitutes a material change of use from Class C3(a) (dwellinghouse) to Class C2 (residential institution), and therefore cannot lawfully be confirmed under an LDC.

I respectfully request that the application be refused on the basis that:

1. The use does not fall within Class C3(b); and
2. Insufficient evidence has been provided to demonstrate lawfulness on the balance of probabilities.

Yours sincerely



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