

# Planning Statement

Location: 27 Crofton Close, Kennington, TN24 9BU

Proposal: Lawful Development Certificate – Use of a dwelling (C3a) as a residential household for up to three children living together as a single household where care is provided for residents by up to two full-time resident carers on a rota basis (C2)

Prepared for: Jared Sullivan

Date: October 2025

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Issue: 2

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# Contents

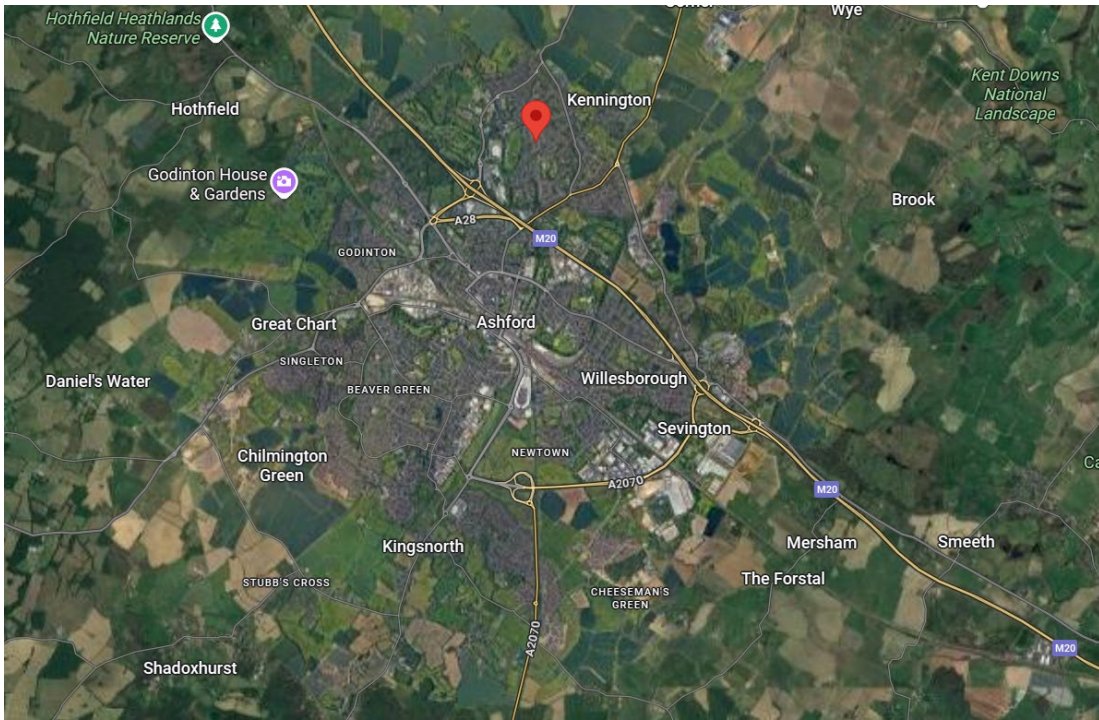
- 1 Introduction .....3
- 2 Site and Surrounding Area .....3
- 3 Planning History .....7
- 4 The Proposal.....7
- 5 Lawfulness.....9
- 6 Conclusions .....12

# 1 Introduction

- 1.1 This Planning Statement has been prepared by Edgars on behalf of Jared Sullivan (henceforth referred to as the client) in support of a Lawful Development Certificate for the proposed use of a dwelling (C3) as a residential household for up to three children living together as a single household where care is provided for residents by up to two full-time resident carers on a rota basis (C2) at 27 Crofton Close, Kennington, TN24 9BU.
- 1.2 The document is structured as follows:
- Section 2 introduces the site context;
  - Section 3 establishes the relevant planning history records;
  - Section 4 considers lawful development and the legislation surrounding this, alongside what this Lawful Development Certificate will cover;
  - Section 5 provides a summary of the information submitted in support of this application, demonstrating that the use of the dwelling as a children’s home for up to three children does not constitute a material change of use and therefore can be considered lawful;
  - Section 6 summarises and concludes this statement.
- 1.3 The following documents are provided as part of this application:
- Planning Statement (this document)
  - Application form (via Planning Portal)
  - Location Plan
  - Existing floor plan
  - Proposed floor plan
  - Proposed parking and swept path plan
- 1.4 This Statement confirms, based on the evidence provided, that the use of the site as a children’s home for up to three children is lawful.

## 2 Site and Surrounding Area

- 2.1 The site is located at 27 Crofton Close, Ashford as shown in Figures 1 and 2 below.



**Figure 1:** The site within the wider area (Source: Google Maps)



**Figure 2:** Site location within its immediate surroundings (Source: Google Earth) For avoidance of doubt, Google Maps mistakenly marked the site as 31 Crofton Close where it should be 27 Crofton Close.

**Settlement and Wider Area Context**

- 2.2 Crofton Close is a residential Cul de sac situated within a mature housing estate to the north of Ashford town centre.

- 2.3 Crofton is bound to the North by the M20, which cuts through Ashford.
- 2.4 The Cul de sac features a mix of properties including bungalows, semi-detached and detached properties, set back from the road by generous driveways and gardens, most of which have been paved and purposed for private off-street parking. The houses have generous and secure back gardens and estate features green areas of public open space as well as wider pavements.
- 2.5 Ashford benefits from a variety of transport links, including Ashford International train stop, accommodating the High Speed 1 (HS1) train line as well as the Southeast Main Line. Furthermore, a variety of local bus services are available. Primarily run by Stagecoach UK bus, offering key routes including route 2 to Hastings, Route 2A to Tenterden, Route 11 to New Romney and Lydd and Route 518 to Tenterden via William Harvey Hospital. there are two bus stops nearby. Grasmere Road bus stop is located on The Pasture Road and Bockhanger Parade Shops bus stop is located on Bybrook Road. Both are approximately 6 mins walking distance from the site and are served by 500, 502, WS1 multiple times per day.
- 2.6 Grasmere Road is a tertiary residential street that connects to Bybrook Road which can be accessed via the Canterbury Road (A28) that later connects to the M20. Its form is characteristic of a typical suburban residential development of the 20<sup>th</sup> century. Semi-detached houses are consistently laid out in close proximity, most set back from the road by generous drives and gardens.

### The Site

- 2.7 The application site is a four-bedroom (with an accessible room on ground floor which could be used for accommodation) detached house at the end of the Cul de sac near the 'T' turning head. The property has been extended in the past to include a two-storey side extension and single storey front wrap around extension. There is a large, paved driveway to the front of the property which can accommodate off road parking, of up to 4x cars; 1x car in the garage and 3x cars on the driveway. (see Figure 3 below).



*Figure 3: Front aspect of the site*

2.8 To the ground floor, No. 27 has an accessible room which could be used as accommodation, a kitchen/diner and WC. To its second floor, it has four bedrooms and bathroom.

2.9 Access to the site is made from Crofton Close via an existing dropped kerb (see Figure 3 above).

### **Planning Designations**

2.10 The site is not subject to any landscape designations.

2.11 The site is not Listed, nor does it lie within a Conservation Area or the setting of a Designated Heritage Asset.

2.12 The site is located in Flood Zone 1, having a low probability of flooding from rivers and the sea.

2.13 The site is not subject to any ecological designations.

2.14 The site is not subject to any Tree Preservation Orders (TPOs).

## 3 Planning History

3.1 The relevant planning history for the site is listed in the table below.

Reference	Description	Decision	Date
90/01094/AS	Extension to domestic property – first floor bedroom	Approved	23/10/1990
04/01472/AS	Two storey side extension and porch extension	Approved	06/10/2004
05/00223/AS	Revised two storey side extension and porch extension	Approved	06/04/2005
PA/2022/2700	Change of use of the dwelling from C3 (residential) to C2 (residential children’s care home)	Refused	15/12/2022
PA/2023/0590	Change of use of the dwelling from C3 (residential) to C2 (residential children’s care home) (Resubmission of PA/2022/2700)	Refused	19/12/2023

3.2 The planning history corroborates the assumption that the site has held continuous use as a dwellinghouse. It further demonstrates a degree of extension to the property. The extra internal volume allowed by the two-storey side extension and porch extension made room for an accessible ground floor room which could be used for accommodation.

## 4 The Proposal

4.1 It is proposed that the dwelling (27 Crofton Close) will provide care for a maximum of three children for whom the property would be their main and sole residence. The use will be as a C2 home for looked after children, with facilities for 3 bed children home. The staffing pattern for a 3 bed children's home would include 1x Duty Manager working from the home between 09:00- 17:00. In addition to this 2x support staff would be present working a daytime shift of 08:00-20:00. Therefore, in most ‘normal’ days there will be 3 staff working from the home. Notwithstanding that at times the support workers may be with the children out of the home or driving them/to from school or appointments etc.

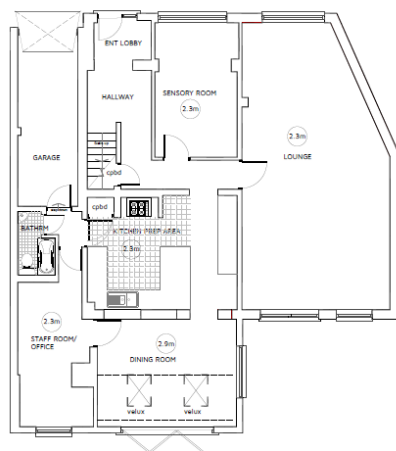
4.2 The nighttime staffing is limited to 2x support care workers, one on a ‘waking night’ shift and one on a ‘sleep night’ shift. These are 20:00- 08:00, and therefore the changeover from night to day staff occurs between 07:30-08:00 and then again for day to night staff between 19:30 – 20:00 and which time there would be a maximum of 4 carers on site for that half hour period.

4.3 The proposed use of the home and activities that would take place there are in line with what could be expected in a typical family home, including the promotion of secure attachments and loving relationships, cooking and eating together, playing, doing homework, relaxing and sleeping.

4.4 The proposed home would seek to replicate as closely as possible a normal family environment. This type of provision, which government policy is promoting, aims to support children who are unable to live with

family relations, for whatever reasons, in building their confidence, regulating their behaviour and emotions and, helping them develop life skills in a family, home from home environment.

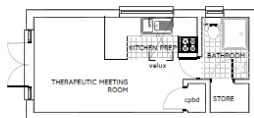
- 4.5 The children would attend school in the daytime during term time, as any other child would.
- 4.6 This application does not constitute of any exterior changes or extensions which would amount to 'development' works and nor is there any material change of the use of the property. No internal alterations are proposed that would require planning permission, however the use of the internal rooms will slightly change from existing, which is indicated in the proposed floor plans (see Figure 4 below).



Ground Floor Plan

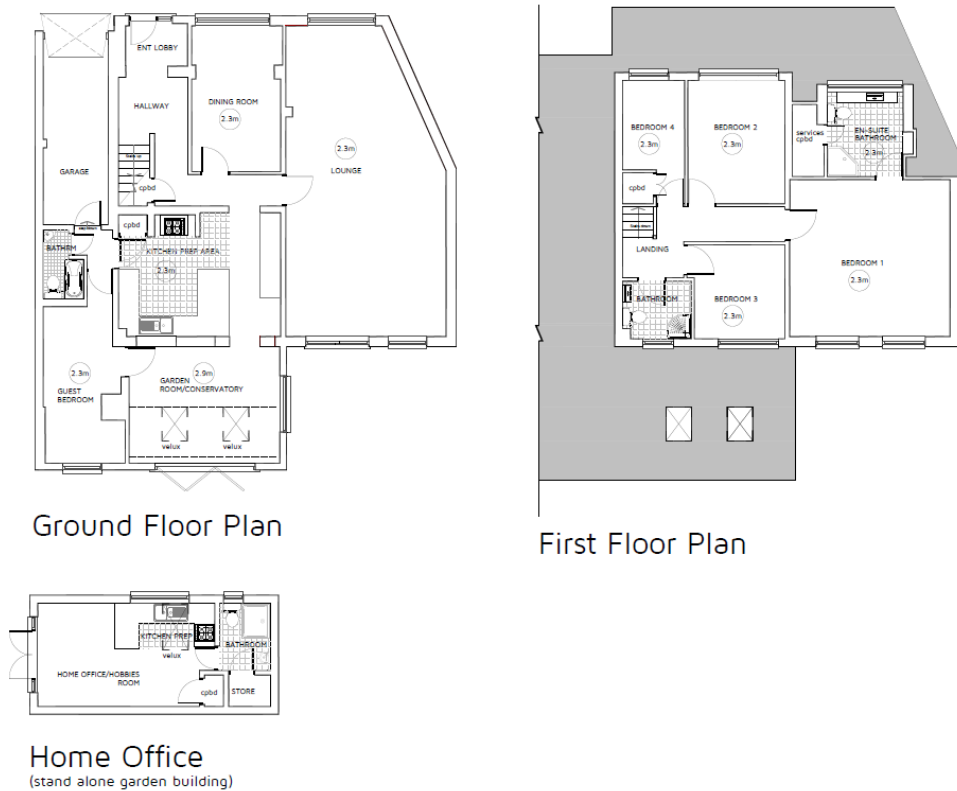


First Floor Plan



Home Office  
(stand alone garden building)

Proposed Ground & First Floor Plans  
1:100 @ A3



Existing Ground & First Floor Plans  
1:100 @ A3

**Figure 4- Existing and proposed floor plans**

Sufficient off-street parking is available on the existing driveway of the property which can accommodate up to 3x cars as well as an extra parking space available in the onsite garage.

## 5 Lawfulness

### Legal Background

- 5.1 Subject to the provisions of the Town and Country Planning Act 1990, development comprises of 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.
- 5.2 In accordance with the Government’s Planning Practice Guidance (PPG) on Lawful Development Certificates, the application must be accompanied by sufficient factual information or evidence to describe precisely what is being applied for, and the land to which the application relates, along with the relevant application fee and application forms, all of which have been provided in this application.
- 5.3 The Planning Practice Guidance also sets out that ‘*In the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved.*’ (Reference ID: 17c-006-20140306).

- 5.4 This application is made under Section 192 of the Town and Country Planning Act 1990 as amended. Section 192 stipulates that applications for a Certificate of lawfulness of proposed use or development should be determined as a matter of lawfulness. As such, the consideration of normal planning matters such as relevant planning policies are not relevant to the determination of a lawful development certificate and are therefore not considered in this application.

#### **Planning Assessment of the Proposal**

- 5.5 The Town and Country Planning (Use Classes) Order 1987, Schedule 1, Part C directs that where care is provided and this is not the main residence of the carers, the use falls within C2 rather than C3b.
- 5.6 There is some case law to support this which establishes that where carers work on a rota basis and the property in question is not their permanent residence, the use must be classed as C2 and not C3b. In the judgement of Mr Justice Collins in *North Devon District Council v First Secretary of State (2003)*, a single household cannot include non-residential staff and, whilst there would be less than six residents, the children, without at least one adult living with them at the premises, would not be capable of looking after themselves and thus, cannot be regarded as forming a 'household'.
- 5.7 Notwithstanding whether the use is considered to fall within Class C2 rather than Class C3b, planning permission would not be required if there is no 'material change' of the nature of that use. As such, it is necessary to consider whether the proposed change of use would be 'material'. It is a matter of fact and degree, within each individual case, as to whether a change of use will be 'material'. Changes of use that might be considered 'material' are those which are measurable or quantifiable as resulting in a significant change in the character or impact of a use.
- 5.8 In the case of this proposal from C3 to C2 use, there would be little difference from the current use as a dwelling to influence its character. In many respects, the proposed use would operate in a way that is very similar to a regular family home, and as the property currently exists. The property would be the sole and main residence of the children, with free and shared access to living, dining, and kitchen facilities.
- 5.9 The children would be taken to and brought home from school each day and, with their carers, would use the property in a way that is very similar to an adult resident, parent or guardian looking after offspring, in a family environment.
- 5.10 The home would seek to foster lifestyles that would be the same as if the child was living in a family home and therefore, there is nothing in the style of use or activities in the home that would not be considered an entirely 'normal' use associated with a family dwelling.
- 5.11 In relation to 'comings and goings', there would be little difference from the current use as a dwelling. The two carers would normally work on either a 08.00-20.00 or 20.00-08.00 shift basis, which would involve two shift changes each day. The home manager would arrive most weekday mornings and leave each evening, representing 2x two car movements at most, therefore, in most 'normal' days there will be 3 staff working from the home.
- 5.12 No additional staff would be employed at the premises, and the children would not require any regular visits from social workers or clinicians. Most additional meetings, if required, would take place away from the home, again as would be the case in any domestic residential situation involving trips to the GP or dentist or similar

- 5.13 We note that two similar applications for LDCs in similar circumstances have been granted by Ashford Borough Council recently (in both PA/2025/0991 and PA/2025/0006), where a determination is made that as the change of use is not material, it is therefore not ‘development’ (as defined by section 55 of the Town and Country Planning Act 1990) and therefore planning permission is not required for that use to be carried out as described within the application details.
- 5.14 We appreciate each case must be considered on a matter of fact and degree and their merits, however the case officer, in determining those applications, makes reference to an appeal decision (ref. 32993519) on a case in Lewisham where the Inspector considered there may be some additional comings and goings associated with the use as C2, but there is no evidence to say that would give rise to any greater level of general disturbance which would be generated were the property in a C3 use.
- 5.15 In summarising this decision, the officer notes that with no visual impacts, noise or amenity changes or to the level of activity – the use would not be materially different to a C3 use. In such instances this would not be classed as development for which planning permission would be required.
- 5.16 These proposed movements within this application are not considered to be significantly different from those associated with ‘normal’ family use of a home, for example parents in a family home leaving for work in the morning and arriving home in the evening. In a recent granting of a Lawful Development Order for a children’s home by Maidstone Borough Council at Waterlow Road (23/503568/LAWPRO), the Officer acknowledged that *‘the number of carers and their respective shift patterns described in terms of the comings and goings of staff could be considered like a family where parents go out to work, particularly with the 24-hour shift pattern proposed. Therefore, even though the use would more accurately fall within the limitations of Class C2, the proposal would not appear to amount to a material change of use from Class C3’*.

## 6 Conclusions

- 6.1 This Supporting Statement has been prepared to accompany an application for a Lawful Development Certificate the proposed use of a dwelling (C3) as a residential household for up to three children living together as a single household where care is provided for residents by up to two full-time resident carers on a rota basis (C2) at 27 Crofton Close, Kennington, TN24 9BU.
- 6.2 It is maintained that there is no material difference in planning terms between the proposed use and the current use as a dwelling. The carers, working on a rota basis, would effectively live at the dwelling to provide 24-hour care, as a single household. The activities taking place at the proposed home would not differ from those expected at a typical family dwelling and the 'comings and goings' associated with the use would not be materially different from the current use as a family dwelling.
- 6.3 The prevailing character of the proposed use would be that of a small group of children living together and using the property in a way similar to that of a family home where they would be supervised and cared for by adult guardians. The differences between the proposed and existing use are not considered to be 'material' or easily measurable and quantifiable against the flexible characteristics and impacts of a lawful dwelling house.
- 6.4 The use of the property as proposed would not constitute a material change in the existing use of the property and therefore is not 'development' as defined by section 55 of the Town and Country Planning Act (1990) (as amended) and therefore planning permission is not required.
- 6.5 We therefore consider that a Lawful Development Certificate for the proposed use of the property as a residential home for up to three children (C2) should be granted to confirm that this does not amount to a material change of use of land and therefore planning permission is not required.
- 6.6 Should the Local Planning Authority have any queries on the information provided, please contact us on the details provided and we will be happy to assist further.

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