

DELEGATED DECISION REPORT

SMD/2024/0210
Valid 03/05/2024

CHILTON HOUSE 51
UTTOXETER ROAD
BLYTHE BRIDGE

**APPLICATION FOR A LAWFUL
DEVELOPMENT CERTIFICATE
TO CHANGE THE USE OF THE
PROPERTY TO A C3
RESIDENTIAL DWELLING.**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

MAIN ISSUES

- Development in the Green Belt
- Whether the change of use is material

DESCRIPTION OF SITE

The site is a detached red brick Victorian house, with a dual pitched clay tile roof. the property is set back from the highway in its own plot, which is approximately 0.4 acres, and includes a large parking area at the front of the property, a detached red brick outbuilding, and a heavily wooded area to the rear of the property. Satellite imagery suggests that the garden is walled or fenced. The site is in the open countryside and within the Green Belt.

PROPOSAL

The proposal is to change the use of the property to a C3 dwellinghouse. Planning history (SMD/1996/0410 (old reference: 96/00833/OLD)) shows that the property's last use was a care home. Although that permission was for a change of use from a dwelling, the previous approved change of use application (SMD/1987/1222 (old reference: 87/00926/OLD)) shows that the property was not previously a dwelling, it was either a doctors surgery, or a residential home for the physically disabled (assuming that 87/00926/OLD was implemented). There is no planning history before 87/00926/OLD.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

- None

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

- SMD/1987/1222 (OLD REFERENCE: 87/00926/OLD). DESCRIPTION: Change of use of former doctor's surgery to residential home for the physically disabled. DECISION: APPROVED
- SMD/1994/0848 (OLD REFERENCE: 94/01094/OLD). DESCRIPTION: Renewal of permission SM89-1041 (extensions & alterations to provide residential home). DECISION: REFUSED

- SMD/1996/0410 (OLD REFERENCE: 96/00833/OLD). DESCRIPTION: Extension and change of use from dwelling to care home. DECISION: APPROVED

CONSULTATIONS

Publicity

N/A

OFFICER COMMENTS

The application is for a Lawful Development Certificate for a change of to a residential dwelling. It must first be established what the previous use was. The last planning approval was to change the use from a dwelling to a care home. An estate agent listing claims the property was last used as a C4 HMO. The Council Tax record, shows that it has been charged as a dwelling rather than a business.

Application SMD/1996/0410 (OLD REFERENCE: 96/00833/OLD), was for a “5 person respite care house”, and would most likely fall within class C3(b), as it is less than 6 people living together receiving care. Anecdotal evidence from the applicants backs up a class C3(b) use. This must therefore be assumed as the use class of the property, and therefore no material change of use is taking place and the Lawful Development Certificate is recommended for approval.

Notwithstanding this if the property is to be considered a C4 HMO, Class L of the GPDO allows for the conversion of C3 to C4 and vice versa, and the development would still therefore be lawful.

The Council tax records indicate that it has previously been charged as a dwelling but again, this would fall within Class C3 and the proposal would remain lawful.

Based on all of the available evidence, the proposed used as a dwellinghouse would be lawful.

OFFICER RECOMMENDATION : **Approve.**

Case Officer: Reuben Berriman

Recommendation Date: 07/06/2024

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

