Julian Townsend
Executive Director (Operations)
Development Management

Town Hall
Ripley
Derbyshire DE5 3BT
Tel: 01773 570222
Fax: 01773 841523
Email: enquiry@ambervalley.gov.uk
Web: www.ambervalley.gov.uk

Mrs Victoria Hodgkins
183B Derby Road
Ripley
Derbyshire
DE5 8HX

AMBER VALLEY BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990
SECTIONS 191 AND 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015

CERTIFICATE OF LAWFUL USE

Amber Valley Borough Council hereby certify that on **17th November 2020** the use described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged red on the plan attached to this certificate, is not lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The information provided by the applicant to demonstrate the use of the dwelling as C3 (b) does not comply with The Town and Country Planning (Use Classes) Order 2020, which clearly sets out the interpretation of 'care'. Children cannot form a household without the presence of a caregiver and a children's care home would not fall within Class C3 unless a care-giver is a resident of the household. Furthermore, in this case, in addition to two care givers, the presence of a manager will be required five days per week and on occasion the presence of a third care giver, equating to four members of staff and four children, exceeding the permitted maximum of six persons and no care giver is residing in the property as their residential home. The clear business pattern, and rotation of staff represents a material change of use of the dwelling to the C2 Use Class.



Julian Townsend
Executive Director (Operations)

Date 17/11/2020

First Schedule

Application for a Lawful Development Certificate for a Proposed Use of property as children's home (Use Class C3 (b))

Second Schedule

83B Derby Road, Ripley, Derbyshire, DE5 8HX