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Business Unit : **DEVELOPMENT CONTROL**
Our Ref : MARKP-AVA/2021/0179
Your Ref : H4616
Date : 23 April 2021
Ask For : Mark Penford
Direct Dial : 01773 841595
Email : mark.penford@ambervalley.gov.uk

Dear Sir/Madam

Proposal **Application for a Lawful Development Certificate of lawful development for proposed use of dwellinghouse (C3a) for care (C3b)**
Location **44 Main Road Lower Hartshay Ripley**
Applicant **Mrs Kristie Dimaro Trauma In Mind 5 Barroon Castle Donnington**

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) 2015: ARTICLE 39

General Permitted Development Order 2015

CERTIFICATE OF PROPOSED LAWFUL USE

The **Amber Valley Borough Council** hereby certify that on **23rd April 2021** 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, was unlawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), and planning permission is required for the following reason:

1. 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 permanent resident of the household. Furthermore, in this case the clear business pattern, and rotation of staff represents a material change of use of the dwelling to the C2 Use Class as the occupants of the dwellinghouse would not be functioning as a residential household.

Signed:



Julian Townsend
Executive Director (Operations)

First Schedule

Application for a Lawful Development Certificate of lawful development for proposed use of dwellinghouse (C3a) for care (C3b)

Second Schedule

44 Main Road Lower Hartshay Ripley

Notes

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

This decision is based on the following submitted plans/documents:

Plan Type	Reference	Version	Date Received
Elevations and floor plans	KD01-21-01CoLD	-	18th February 2021
Site location plan	-	-	18th February 2021