



Department for Levelling Up,
Housing & Communities

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House of Commons
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Rt Hon Stuart Andrew MP
Minister of State for Housing

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Dear Clive

Following Minister Badenoch's letter of 17 June, you asked that a Minister follow up on the point raised in Committee on the long-term funding of adult social care by Florence Eshalomi MP and yourself about the position of care within the Use Classes Order. It may be helpful if I start by setting out some background.

The Town and Country Planning (Use Classes) Order 1987, as amended, groups uses together into classes based on land use impacts and provides that movement within a class is not development requiring planning permission. In many cases it will be clear which use class a particular use falls into. Where it is not, each case will need to be considered on its individual merits by the local planning authority as 'a matter of fact and degree'. See Annex A for the use classes and uses that reference care.

Use classes make no distinction between types of occupants. For example, children's homes, care homes for those with a disability or care homes for the elderly will generally fall into the C2 residential institution use class. Some smaller homes for up to 6 people may fall into the C3 dwellinghouse use class. The Use Classes Order therefore provides flexibility for local authorities to deliver a mix of settings and size of care homes to meet local needs, including for older people and those with a disability.

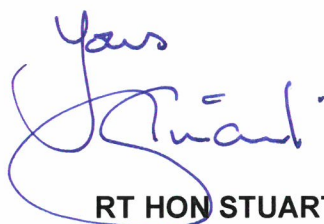
Reflecting the range of housing types, such as independent living, sheltered housing that provides an element of care, through to care homes, housing for older people may fall into either the C2 residential institution or C3 dwellinghouse use class, or in some cases it may be considered to be sui generis (a class of its own). The existing arrangement therefore provides flexibility to accommodate a wide range of housing and care models.

We believe that a separate use class for 'care' would limit the existing flexibility, both for movement within the C2 use class, and within the C3 dwellinghouse use class to accommodate people's changing needs. Some older people or those with a disability may be able to continue to live independently in a C3 dwellinghouse, with suitable adaptations and care provided as necessary.

The Government Taskforce on the issue of older people's housing will look at ways we can provide more choice, better quality and greater security of housing for older people. It will provide an opportunity to gather and examine valuable evidence of the operation of the planning system in supporting housing for older people and whether any changes are required.

The National Planning Policy Framework sets out that local authorities should plan to meet the housing needs of the area, including for groups with specific housing requirements, such as older people, and people with disabilities. Through the Levelling Up and Regeneration Bill, we will modernise our planning system, including strengthening the role of local plans. We intend to publish a prospectus explaining our vision for the new NPPF, detailing what a new Framework could look like, and indicating, in broad terms, the types of National Development Management Policy that could accompany it. We will also use this document to set out our position on planning for housing, and seek views on this. The finalised suite of National Development Management Policies has yet to be decided, but we intend to consult fully on both the scope and content of the policies before any are put in place.

I hope this has helped to address your questions.

Yours


RT HON STUART ANDREW MP

The position of care within the Town and Country Planning (Use Classes) Order 1987, as amended, as it applies in England.

Care in the Order is defined as:

“care” means personal care for people in need of such care by reason of old age, disablement, past or present dependence on alcohol or drugs or past or present mental disorder, and in class C2 also includes the personal care of children and medical care and treatment;

The key use class in respect of the provision of care is:

Class C2. Residential institutions

Use for the provision of residential accommodation and care to people in need of care (other than a use within class C3 (dwelling houses)).

Use as a hospital or nursing home.

Use as a residential school, college or training centre.

As this suggests, some care may also be provided through C3 where the residential use is for 6 people or less:

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by—

- (a) a single person or by people to be regarded as forming a single household;
- (b) not more than six residents living together as a single household where care is provided for residents; or
- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within class C4).

Some care that falls outside of the definition in the Order may be provided within C3 (c), for example for a small children home.

The C1 hotels use class also makes reference to care:

Class C1. Hotels

Use as a hotel or as a boarding or guest house where, in each case, no significant element of care is provided.

Day centres at which an element of care could be provided now fall within the Commercial, Business and Service use class (E). The Order provides a definition:

“day centre” means premises which are visited during the day for social or recreational purposes or for the purposes of rehabilitation or occupational training, at which care is also provided;

