

Officer's Report

Application Number	HGY/2022/3499
Type	Lawful development: Proposed use
Location	66, Myddleton Road, London, N22 8NW
Proposal	Certificate of lawfulness for the proposed occasional use of part of the flat for the operation of a home based online private vehicle hire service.
Case Officer	Michelle Meskell
Valid Date	05/10/2022
Applicant	Mr Eren Ates
Agent	Mr Eren Ates

RECOMMENDATION

Approve

RELEVANT PLANNING AND ENFORCEMENT HISTORY

N/A.

DETAILS OF PROPOSAL

This is an application for a certificate of lawfulness for the use of part of the dwelling as an office, allowing the applicant to operate the online services for a minicab company.

RELEVANT LEGISLATION AND GUIDANCE

The application has been made under section 55 of the Town and Country Planning Act 1990 (as amended).

Section 55 of the 1990 Act describes the meaning of “development” and “new development”. Subsection 2 specifically relates to operations or uses of land that should not be taken for the purposes of the Act to involve development of the land. Relevant here are sub-point (a) which includes works which affect only the interior of the building (i), or do not materially affect the external appearance of the building (ii), and sub-point (c) covering “the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such”.

ANALYSIS/ASSESSMENT OF THE APPLICATION

This is not a planning application, and the planning merits are not relevant to this submission. Rather the applicant seeks to prove by the submission of evidence that the building operation does not constitute development which would require planning permission and that the operation is therefore lawful.

The applicant must prove that the intended operation referred to in the application (use of a room as a home-office) do not constitute development as described in section 55 of the

Town and Country Planning Act 1990 (as amended) and is thereby lawful for planning purposes.

The key tests to assess whether the use of a room as a home office does not constitute development will be whether the overall character of the dwelling will change as a result of the use to the point where it can no longer be considered solely residential in nature. In order to ensure the use remains ancillary to the enjoyment of the dwellinghouse, the following points must be addressed:

- Will the property still be used mainly as a private residence?
- Will the use result in a marked rise in traffic or people calling at the property?
- Will the use involve any activities unusual in a residential area?
- Will the use disturb neighbours at unreasonable hours or create other forms of nuisance such as noise or smells that would create adverse impact to their residential amenity?

Information Provided

The applicant wishes to operate a private hire vehicle / minicab business from his property. The applicant has indicated that the primary use of the property will remain as a dwelling. TfL requirements for minicab companies operating from home offices only require a computer and landline and the applicant confirms that no drivers will arrive or depart from the application site. The description given of the operations occurring on site indicate that no noise nuisance will be generated by the proposed use.

In light of the above, it is considered that the use of part of the property as a home office to operate a private hire vehicle / minicab business will remain incidental to the enjoyment of the dwellinghouse and as such does not constitute development which would require planning permission.

SUMMARY AND CONCLUSION

The applicant has demonstrated that the use of part of the property as an office will not constitute development as described in section 55 of the Town and Country Planning Act 1990 (as amended). The use is therefore deemed lawful.

RECOMMENDATION

Grant Certificate.