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| LDC (Proposed) Report | | Application number | 2019/3402/P |
| Officer | | Expiry date | |
| Jaspreet Chana | | 25/11/2019 | |
| Application Address | | Authorised Officer Signature | |
| Oakshott Court, Flat 18 Polygon Road London NW1 1SS | | | |
| Conservation Area | | Article 4 | |
| No | | No | |
| Proposal | | | |
| Use of part of living room within flat (Class C3) as an office for a mini-cab service with no public visitors (Sui Generis) | | | |
| Recommendation: | | Grant Certificate of Lawfulness | |

Legal Context:

Town and Country Planning Act 1990 (as amended)

Section 55 of the Town and Country Planning Act 1990 states that "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

Paragraph (2) (a) and (2) (f) of Section 55 of the Town and Country Planning Act 1990 states:

‘The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land –

(a) the carrying out for the maintenance, improvement or other alteration of any building of works which –

(i) affect only the interior of the building, or

(ii) do not materially affect the external appearance of the building,

(f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.’

Proposal-

The applicant wishes to utilise a small section of their ground floor living room within an existing residential flat (Class C3) for use as a mini-cab booking office (Sui Generis use).

The proposal would not involve any exterior alterations. It would involve the use of a very small section of the living room as a home office comprising a desk, laptop, chair and telephone line. The applicant has stated that no public access to the property would be available and the proposed office would only be used to conduct taxi runs over the phone.

The business involves the use of vehicles operated remotely and would not result in the generation of extra pedestrians, traffic or vehicles visiting the property.

Assessment-

It is considered that the proposed business use as described would not involve a material change of use and would be ancillary or incidental to the primary use of the premises as residential. The proposal as described within the application would not constitute development, and would not therefore require planning permission.

However any intensification of business use on the site beyond what is sought is likely to require planning permission, especially if the use starts to require deliveries, public customers and visitors, the employment of staff, and/or the parking of vehicles in connection with the use. The installation of any associated advertisements would require advertisement consent and would be indicative of an intensification of use that may generate the need for planning permission. An informative will be added to advise the applicant accordingly.