

LDC (Proposed) Report	Application number	2021/2488/P
Officer	Expiry date	
Leela Muthoora	31/08/2021	
Application Address	Authorised Officer Signature	
24 Frogmal Court Finchley Road London NW3 5HG		
Conservation Area	Article 4	
None	None	
Proposal		
Use of part of the flat as a private hire/mini-cab operator, ancillary to the main residential use.		
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: A certificate of lawfulness is sought to establish whether the operation of a solely online and telephone booking service for mini cabs from a residential dwelling would be lawful.

The applicant wishes to use a small area of a living room within the existing first floor residential flat (Class C3), as an office area from which to carry out the operation of a home based mini-cab booking office.

The proposal would not involve any exterior alterations.

Assessment:

The site is located within Flat 24 within the block of flats numbered 22-29 Frognal Court on Finchley Road.

The applicant has stated that no public access to the property would be available and the office would be used to access a call centre based outside the country to arrange taxi services over the phone, via a website and a web based app'.

The business involves the use of vehicles operating remotely from the site and would not result in the generation of additional pedestrians, traffic or vehicles visiting the property.

It is considered that the proposal would not involve a material change of use and would be ancillary or incidental to the primary use of the premises as residential (Class C3). The proposal as described within the application would not constitute development, and would not therefore require planning permission.

The proposed business use as described in the submitted documents would not involve a material change of use, as the use would be ancillary or incidental to the primary use of the property as a dwelling. As a result, the proposal as described within the application would not constitute development, and would not therefore require planning permission

In the event of intensification of the business use on the site beyond what is sought, is likely to require planning permission, in particular, 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. Informatives will be added to the decision notice to advise the applicant accordingly.

Recommendation: Grant Certificate of Lawfulness