

LDC (Proposed) Report		Application number	2022/3861/P
Officer		Expiry date	
Tony Young		08/12/2022	
Application Address		Authorised Officer Signature	
Flat 4 17 Rosemont Road London NW3 6NG			
Conservation Area		Article 4	
No		Basements / B1a to C3	
Proposal			
Use of part of flat for purposes associated with a private hire vehicle operator, ancillary to the main residential use.			
Recommendation:		Issue Certificate	
1.0 Introduction			
1.1 The application site is located on the north-west side of Rosemont Road, which is accessed from Lithos Road to the north and Finchley Road to the east.			
1.2 The application seeks confirmation that the proposed use of part of a residential flat (Flat 4) for purposes associated with a private hire vehicle operator, and ancillary to the main residential use, does not constitute development and is lawful such that planning permission would not be required.			
2.0 Applicants Evidence			
2.1 The applicant provided the following documents/drawings in support of the proposal:			
<ul style="list-style-type: none"> • Site location plan; • Video footage (showing the internal arrangement and layout of Flat 4). 			
3.0 Assessment			
3.1 Development is defined by section 55 of the 1990 Town and Country Planning Act as ' <i>the carrying out of building, engineering, mining or other operations, in, on, or under land, or the making of any material change in the use of any buildings or other land</i> '.			
3.2 Section 55(2)(f) provides that 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 [i.e. the Use Classes Order], the use of the buildings or other land, or of any part of the buildings or other land, for any purpose in the same class is not to be taken for the purposes of the Act to involve development of the land.			
3.3 It is firstly noted that planning history in relation to the application site does not include any conditions restricting the use of the property.			
3.4 The applicant wishes to use a small area of an existing residential flat (Class C3) as an			

office area from which to carry out the operation of a home based mini-cab booking office (namely, 'Airport Cars 4 You.Ltd').

3.5 The applicant has stated that there will be no public access to the property and clients would be picked up remotely from the site. As such, the operation would not result in the generation of any additional pedestrians, traffic or vehicles visiting the property.

3.6 The office would be used solely for the purposes of arranging private hire driver/chauffeur services via a mobile phone/laptop. The applicant is the only driver/chauffeur and has a limited number of private clients, thereby, working a very limited number of hours per week.

3.7 The applicant confirmed that the property will remain exactly as it is at this moment and would not involve any external alterations, installation of equipment or display of advertisements.

3.8 As such, the proposal as described within the application submission would not result in a material change of use, nor fall within the 'meaning of development' which would require planning permission, as defined by section 55 of the Town and Country Planning Act 1990.

3.9 Consequently, the proposal is lawful and it is recommended that a Certificate of Lawfulness be granted.

Other matters:

3.10 In the event of an intensification of the business use at the site beyond what is sought under this current application, the applicant is advised that planning permission may be required. For instance, should the use involve deliveries or customers to visit the site, the employment of staff, parking of additional vehicles associated with the use, use of the area as a set-off/drop-off point, or result in any increase in vehicle/customer activity on or close to the application site.

3.11 Any future display of associated advertisements may require advertisement consent and might also be indicative of an intensification of the use at the site and the need for planning permission. As such, a number of informatives will be added to any certificate issued to advise the applicant accordingly.

4.0 RECOMMENDATION: Grant Certificate of Lawfulness