



Ashfield District Council

# Businesses in Residential Areas

DEVELOPMENT ADVICE AND CONTROL

SUPPLEMENTARY PLANNING GUIDANCE NO. 4

Approved April 1994

## **Introduction**

For many people there are advantages in working from home and numerous small businesses have begun in this way. The increasing use of new information technology, which only requires a small amount of space, makes this option more attractive. Depending on the nature of the activity, many small businesses can be carried out successfully in residential properties and residential areas, without detriment to the amenity of neighbours.

PPG 4, issued in November, 1992, provides guidance on establishing small businesses and makes specific reference to working from home. In addition the Department of the Environment also provides a free explanatory booklet, A Step by Step Guide to Planning Permission for Small Businesses, which is designed to assist small businesses in making planning applications. The aim of this Supplementary Planning Guidance is also to assist anybody considering starting up a business in a residential property or area. It advises when planning permission is required and outlines those criteria against which applications will be considered. An indication of the type and range of planning restrictions, in terms of conditions, is then indicated.

## **The Need for Planning Permission**

In considering the operation of a business in a residential property, the Authority must assess whether planning permission is required for the activity and, if so, whether by the imposition of conditions this use could be accommodated without affecting the character of the residential area. The Authority must determine whether a material change of use will take place if the business is carried out. For this to be determined, information must be produced on the nature, scale and operation of the business proposed.

New legislation now enables the Authority to make a formal determination as to whether planning permission would be required by requesting the submission of an application for a Certificate of Lawfulness For A Proposed Use or Development. Full details of the proposed use together with a fee will be required to enable the Authority to assess whether planning permission will be necessary. The relevant application forms for a Certificate are available from the Authority's Development Control Section.

In order to be able to claim that planning permission is not required, the use would generally have to satisfy all of the following tests:

1. No persons, other than those resident at the property, are employed as part of the business.
2. The use will not result in frequent visitors to the site.
3. The use will not involve the regular delivery or picking up of goods.
4. The use will not require the use of more than one car or small van, parked within the curtilage of the site.
5. The use will only occupy a small part of the dwelling or curtilage.
6. No advertisement, other than a small nameplate, will be required to be displayed on the premises.
7. The use will not create noise or disturbance in the locality.

If it is considered that the proposed business would represent a material change in the use of the property, a formal planning application will be necessary. Alternatively, if the Authority considers that the use is of so small a scale so as not to require planning permission then a Certificate of Lawfulness will be issued and the use may then continue, at the level of activity stated, in the certain knowledge that no breaches of planning control will be taking place. The Certificate will prove especially valuable to small businesses when seeking financial support for the venture.

### **Assessment Criteria**

If the proposed use requires planning permission, the Authority will carefully assess whether the use could be accepted within the residential area, without detriment to local amenity. Such applications will be assessed against policy P25 of the Local

Plan which includes the following criteria:

1. Planning applications will be permitted where the operation of the proposed use will not adversely effect the amenity of the occupants of neighbouring properties by reason of noise or other environmental pollution.
2. Planning applications will be permitted where the operation of the proposed use will not adversely effect the amenity of the occupants of neighbouring properties by reason of disturbance resulting from motor vehicles attracted to the site.
3. Planning applications will be permitted where the amount or type of vehicular traffic attracted to the site, as a direct result of operating the proposed use, would not adversely effect the highway safety of the locality.

### **Planning Conditions**

In issuing a planning permission the Authority will normally impose conditions that ensure the use operates in a satisfactory manner. Relevant conditions may include the following depending on the type of activity involved.

1. For new proposals, a temporary planning permission only will be imposed, to enable the Authority to assess the full effect of the development on the locality. Renewal of this temporary planning permission will only be permitted where there have been no difficulties with the operation of the business.
2. A condition restricting the operation of the business to the applicant only will be imposed.
3. The precise use will normally be defined and a condition imposed which limits the development to that sole permitted use.
4. The use will be confined to a stipulated part of the dwelling or curtilage.
5. The number and size of vehicles to be operated from the site will be limited.
6. If any equipment is necessary for the operation of the use, the precise details of this will be assessed in conjunction with the Authority's Environmental Health Section. If acceptable, a condition will be imposed to prevent further additions or alterations to the approved equipment.
7. The hours of operation of the use may be limited to certain times of the day and to certain days of the week to protect the amenity of the local area.

**Conclusion**

Not all business uses which operate from residential properties need planning permission. Certain small scale operations may be carried out successfully without affecting neighbours. Where planning permission is required, proposals will be assessed against the criteria listed in policy P25 of the Local Plan, this Supplementary Planning Guidance and advice contained within PPG 4. In cases where planning permission is issued, conditions may be imposed in order to adequately control the use and protect residential amenity.

**Additional Information**

For additional information and advice on a specific planning application or a more general enquiry, then do not hesitate to contact officers of the Authority's Development Control Section. Staff are available, at the main Council Offices in Kirkby-in-Ashfield, during normal office hours:

8.30am – 5.00pm Monday – Thursday

8.30am – 4.30pm Friday