

Delegated Report

Lawful Development Certificate (Proposed)

Application no:	20250232
Location	38 Forder House Shepherd Street Northfleet Gravesend
Proposal:	Application for a Proposed Lawful Development Certificate for the proposed change of use from bedroom to office for private hire operator for school transport.
Applicant:	Mr Mohammed Ali
Site Visit	07 May 2025

Plans & Documents

Application form for a Lawful Development Certificate for a Proposed Use or Development;
Drawing no. TQRQM25070120456172 Site location plan;
Drawing no. 202501_1 Existing and proposed layouts;
Supporting statement March 2025; and
Details of the use.

Property Type

The property comprises of a first floor flat in a two storey building, located on the south western side of Shepherd Street, Northfleet.

Material Consideration

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Relevant Planning History

None.

Officer Assessment

Permitted Developments Rights Restrictions

Article 2 (3) Land (AONB, Conservation Area)	N
Article 4 Direction	N
Permitted Development Rights Removed/Restricted	Y*

* The application property is a flat and does not have most permitted development rights.

General Approach

This application is for an Lawful Development Certificate and not for a planning permission and therefore, the planning merits of the case are not relevant. The determination must be based on the facts of the case and the interpretation of any relevant planning law or judicial authority. The applicant is responsible for providing sufficient information to support the application and the proposal must be described with sufficient clarity and precision to enable the Local Planning Authority (LPA) to understand exactly what is involved. The case officer has had regard to the advice contained in the National Planning Practice Guidance (the section relating to LDCs, paragraphs 005 to 009).

Details of the proposed development

The applicant has submitted a number of plans/documents, which are set out in the Plans & Documents Section above.

From summarising the submitted information, the applicant has set out that one bedroom at the application site would be converted into an administration office for a private hire operator for school transport (Transport MA Services Ltd). There would be no structural changes internally or externally to the building, only the applicant would use the office, there would be no visits by the public, customers or drivers and no vehicles would be based or parked at the property. The drivers, of which there would be one or two, would be self-employed with their own vehicles and would be allocated jobs remotely.

It is noted that the submitted application form shows the applicant's address as the application property. However, at the site visit (a note of which is contained in Appendix 4), the applicant set out that he owns the application property but does not live there (he lives in Dartford). The applicant also set out that there would be two or three drivers taking two or three children to school, his business is based in an office in Dartford and registered with Kent County Council and that he bids for contracts to take individual children to school. Lastly, he suggested that the office would only be likely to be used by him for a short period in the morning and afternoon, for approximately one hour.

Information gathered by the case officer

The following information has been gathered by the case officer;

- Appendix 1 Extract from Companies House website
- Appendix 2 Extract from Companies House website
- Appendix 3 Extract from Dartford Taxis 247 website
- Appendix 4 Notes from site visit on 07 May 2025

Officer Analysis

The application site is a first floor flat that is currently vacant but could lawfully be used for residential purposes. As a residential property, planning permission would not normally be required to work from home or to run a business from home, provided that the home working or business use was incidental to the use of the property as a dwelling. If a proposed use is not considered to be reasonably incidental to the dwelling, then a material change of use would occur and planning permission would be required.

In this instance, the applicant owns but does not occupy the application property as he lives elsewhere. Therefore, the proposal would not constitute him working from home or running a business from home. The application property would solely be used as an office. The applicant would travel to the property twice a day, solely to work from the office.

It is noted that the applicant has suggested that he could move to the application property or have the property as a second home. He has also suggested that a friend might occupy the property. However, none of these options are currently occurring and this application must be determined based on the current situation.

Reference to Appendix 1 illustrates that the applicant's business, Transport MA Services Ltd is essentially a taxi operation that is based in Dartford and that the applicant is a taxi driver (Appendix 2). Reference to

Appendix 3 illustrates that Transport MA Services Ltd works in conjunction with another company, Dartford Taxis 247.

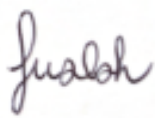
The proposed office would be for a private hire operator for school transport, which is essentially a specialised taxi business. According to the Town and Country Planning (Use Classes) Order 1987 (as amended), a taxi business is a sui generis use and as such, any change of use to a taxi business would require planning permission.

Although the proposed office use would not be likely to lead to a notable change in the character of the application property, the operation of a private hire operator for school transport office by the applicant would not be incidental to the property's use as a dwelling and as such, the proposed development would result in a material change of use.

Conclusion

The proposed development would constitute a material change of use. As such and in line with section 55(1) of the Town and Country Planning Act 1990 (as amended), planning permission would be required. The proposal would therefore not be lawful and pursuant to section 192(2) of the Town and Country Planning Act 1990 (as amended), a Certificate of Proposed Lawful Development/Use cannot be granted.

Recommendation: <u>Refuse</u> Lawful Development Certificate

Case Officer:	Mrs Kelly Joyce	Team Leader:	Mrs Faye Walsh
Signed:		Signed:	
Dated:	14th May 2025	Dated:	14 May 2025