

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) Section 191/192

**DELEGATED DECISION FOR APPLICATION FOR CERTIFICATE OF
LAWFUL DEVELOPMENT**

Reference no.: 2017/CL/93706/W

Site: 5, Royds Drive, New Mill, Holmfirth, HD9 1LH

Description: Certificate of lawfulness for proposed use of
premises to operate taxi service

Case Officer: Francis Davies

Decision Reference: PROPOSED USE GRANT

**I hereby authorise the approval of this application for the reasons set
out in the officer's report and recommendation annexed below in
respect of the above matter.**

Kevin Walton

AUTHORISED OFFICER

Date 15-Jan-2018

Officer Report

Reference: 2017/93706

Proposal: Certificate of lawfulness for proposed use of premises to operate taxi service

Location: 5 Royds Drive, New Mill, Holmfirth, HD9 1LH

Site Description

The application relates to an end terrace dwelling located in Holmfirth. The considered dwelling has been designed with a gable roof, finished in concrete tiles and is constructed from red brick. It is noted that the dwelling benefits from a large driveway (east), capable of accommodating two vehicles and is accessed off Royds Drive.

Located within a residential area the dwelling is surrounded by other residential properties of a similar architectural style and construction materials.

Description of Proposal

The application refers to a certificate of lawful development for the use of the dwelling to operate a private hire service. In the supporting statement provided the agent has stated that a single vehicle (minibus) would operate from this location. The vehicle would be parked on the driveway associated with the dwelling. Bookings would be taken in advance.

Relevant Planning History

No relevant planning history.

Representations

The application is for a certificate of lawful development and as such the application was not publically advertised. Consequently, no public representations were received.

Consultation Responses

The application is for a certificate of lawful development and as such no consultations were sought.

Policy / Legislation

The Town and Country Planning Act 1990 Section 55(2)(a)(ii);

Assessment

Section 55 of the Town and Country Planning Act 1990 defines 'development' as including the 'material change of use of land and buildings'. However, if a use is considered to be ancillary to an existing use, then that ancillary use is unlikely to require planning permission.

The recognised starting point in considering whether a material change would occur would be to initially consider the planning unit (Burdle V SoS[1972]). The existing planning unit is a dwelling with associated curtilage, including a parking area to the front of the dwelling.

The proposal would not include internal or external changes to the existing property as the business is primarily operated from another address within the Holme Valley. As such the considered certificate would not result in any material changes to the existing appearance or function of the dwelling.

In addition to the above it is noted that customers would not visit the considered address and as such it is not anticipated that the proposal would result in marked rise in traffic or people calling at the dwelling. It is also advised that the applicant's minibus would be parked on the driveway associated with the dwelling, thereby not giving rise to an increased occurrence of on-road parking. While a minibus is not commonly seen parked at a dwellinghouse it is not uncommon for small scale commercial vehicles such as transit vans and other small vans to be seen at dwellinghouses when occupiers use them as transport for their business. In this case the use of the site to park the minibus while not in service would not be significantly unusual when only parking the vehicle as a means to travel to and from fares.

In light of the submitted information it is considered that the dwelling would remain the dominant use. There would be no external/internal alterations to the property or an increase in the existing level of vehicle movements. The operation of a private hire vehicle from this dwelling would not constitute a change of use and would have no material impact on the existing character of the dwelling.

Conclusion

Based on the submitted information, it is considered that on the balance of probability the proposed operation of a private hire vehicle business from the dwellinghouse would not amount to a material change of use as defined by Section 55 of the Town and Country Planning Act 1990. The change of use is not considered to substantially change the character of the building, nor does it have any "planning" effect upon the neighbourhood. It is recommended to approve the certificate and confirm the lawful use.

Recommendation – Approve Certificate

Decision Authorisation - Delegated Powers

Application Number: 2017/93706

Officer Recommendation: Approve

Based on the submitted information, it is considered that on the balance of probability the proposed operation of a single private hire vehicle business from the dwellinghouse would not amount to a material change of use as defined by Section 55 of the Town and Country Planning Act 1990. The change of use is not considered to substantially change the character of the building, nor does it have any “planning” effect upon the neighbourhood.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	17/508/01	-	27th October 2017
Planning Statement	17/508	-	27th October 2017

Report Dated: 15/01/2018