

A Certificate of Lawful Development provides protection against enforcement action and we strongly advise that this is the preferred course of action.

How do I apply?

The appropriate forms and fee sheets are available from the Planning Office and on the website. The following information should be submitted:

- Type of business.
- Hours/days of operation.
- Number of employees (please indicate if family member or outside employees).
- Estimated number of callers to property in connection with business (if any).
- Estimated number of deliveries/collections in connection with business (if any).
- Number of rooms used to operate the business.

An assessment of the submitted evidence will be made by a Planning Officer and any necessary further details requested. It is the applicants' responsibility to demonstrate that the facts are correct.

The certificate will always give reasons why the use, operation or activity would be lawful.

What if my business grows?

Sometimes a low key use that does not need planning permission at present, may intensify in the future. If this happens, planning permission may then be required.

It is possible to apply retrospectively, and planning permission may be granted, but it is likely that certain planning conditions would be imposed.

If permission is refused, we would discuss with you the various options such as:

- The discontinuance of parts of the business that are causing problems.
- The relocation of your business to other premises.
- Reducing the level of activity to an appropriate level.

As a last resort, the Council could take enforcement action if a business is causing serious problems, for example to highway safety or a neighbours' amenity.

Head of Planning Services
Civic Offices, Harlington Way, Fleet,
Hants, GU51 4AE
Planning help desk: 01252 774419
Fax: 01252 774410
E-mail: help.desk@hart.gov.uk
www.hart.gov.uk



PLANNING SERVICES

Running a business from home

Planning applications can now be viewed on-line.

Go to www.hart.gov.uk

A householder guide

It is possible to run a business from your home without the need to obtain planning permission. This leaflet offers some basic advice.

Do I need planning permission:

- To use a room as a personal office?
- To use a room as a hairdressers, for beauty therapy or dressmaking?
- To give music or language tuition?
- To run an agency or dental practice?
- To practice as a solicitor or an accountant?
- To repair cars and/or store goods associated with a business?
- To run a child-minding business or a playgroup?

There is no clear-cut answer, it will depend on the size and location of your property and the particular business activity.

As a general rule:

- Planning permission *will* be required if the house is no longer mainly residential in character and use.
- Planning permission *will not* be required if the house continues to be used mainly as a home

If the answer to any of the following questions is YES then a change in character or use will probably arise and planning permission will be required:

- Will your home cease to be used mainly as a place to live?
- Will your business cause a noticeable increase in traffic movements or people calling?
- Will your business disturb your neighbours or cause noise or smells?
- Will there be a need to park a commercial vehicle or a need for outside storage?
- Will the business involve activities that are unusual in a residential area?
- Will it involve people outside your household coming to work at your house?

If the answer to any of the following questions is YES then a change in character or use probably will not arise, and planning permission will not be required:

- Will the business involve a single room and primarily involve use of a telephone?
- Will only members of the household be involved?

- Will there be few or no deliveries other than normal post?
- Will there be no noise or smell?
- Will it be low key activity and not inconvenience your neighbours?

If you believe that planning permission is not required and that your business will not involve a change in character or use, then you can apply for a Certificate of Lawfulness.

CERTIFICATES OF LAWFULNESS

Certificates of Lawful Development are certificates which establish conclusively that a use or operational development of land is lawful.

- When it is clearly demonstrated that an *existing* use or operational development is lawful. (Section 191)
- When it is clearly demonstrated that a *proposed* use or operational development does not require a planning application. (Section 192)

Section 192 Certificate

A certificate granted for a proposed use or operation will describe the precise use or operation on a site in the terms considered permissible without the need to make a planning application for it.