
2026/0550

7 Wortley Avenue, Wombwell, Barnsley, S73 8SB

Operate a private hire operators licence (Lawful Development Certificate – proposed use)

Site Description

The application relates to a semi-detached dwelling located on Wortley Avenue and within the Wombwell area. The surrounding area is characterised by predominantly semi-detached properties along with occasional terraced properties. Brickwork is predominately used in the area along with some rendered properties and features.

The site provides parking to the front of the dwelling for two vehicles. A modest garden is located to the rear of the property. The dwelling is constructed from render and brickwork and features a pitched roof with a central gable feature. The business would operate a total of 2 buses from the site to be parked in the on-site parking to the front of the dwelling.

Site Planning History

Reference	Description	Decision
2018/0849	Erection of 40 no. dwellings.	Approved Subject to Legal Agreement
2019/0852	Discharge of conditions of approved application 2018/0849 (Erection of 40 dwellings)	Approve

Proposed Development

The applicant has submitted an application for a Lawful Development Certificate for the proposed use of the dwelling as a satellite office for a home-based taxi operator. No external alterations would take place.

The applicant has submitted the following plans in support of the application:

20260550 Location Plan



Policy Context

This application is for a Lawful Development Certificate under Section 192 of the Town and Country Planning Act 1990 and seeks confirmation that the carrying out of activities connected with a private hire licence at a residential dwelling does not require planning permission.

Section 192(1) the Town and Country Planning Act 1990 states that if any person wishes to ascertain whether any operations proposed to be carried out in, on, over, or under land, would be lawful, they may make an application for the purpose to the local planning authority describing the use or operations in question.

Section 192(2) then states that if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case shall refuse the application. No special restrictions or designations affecting the proposal are considered to apply to this site, such as permitted development rights having been removed, or listed status etc.

The use of a dwelling for the purpose of a home based taxi operator could be allowed without the requirement for planning permission if it is not classed as development as set out in Section 55 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Purely internal alterations are lawful pursuant to section 55(2)(a) of the Town and Country Planning Act 1990.

Relevant Legislation

Section 55 of The Town and Country Planning Act 1990 (as amended) defines development as

“the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land”

Consultations

Highways DC – Deferred for amended/further information – The following comments were made:

‘The proposals would involve the running of a taxi business from a residential property located on Wortley Avenue in Wombwell; the proposals were the subject of a recent pre-application enquiry (2026/ENQ/00483). In terms of the hours of operation, no details have been provided with this current application, however, the details submitted as part of the pre-application enquiry stated the intended hours of operation as being 24 hours per day, 7 days per week.

The property has two off-street parking spaces on the site frontage which are of sufficient size to accommodate an 8-seater minibus type vehicle without overhanging the public highway. Concerns are raised however with regard to the applicant’s intention to run 2no. 8-seater minibuses; the operation of 2no. minibuses gives cause for concern in terms of off-street parking provision and the likelihood that any cars associated solely with the residential use of the dwelling would have no alternative than to be parked on-street.

It is imperative that the site accommodates both the existing residential parking requirement as well as the parking requirement for the taxi business. The applicant should therefore provide information which demonstrates that the combined residential and taxi business uses do not result in the parking of vehicles on the public highway.

I am aware that the submitted supporting information states that a total of two vehicles for private hire use will be operated from, and parked at, the premises and that no additional parking demand will be created on the public highway as a result of the business; however, no mention is made regarding the parking of vehicles associated only with the residential use of the property.

Furthermore, it is stated that customers and drivers will not attend the property; given that it is intended for two minibuses to operate from the site, this would suggest that the drivers of both minibuses reside at the premises; the applicant should confirm whether this is indeed the case. If the drivers of both vehicles do not reside at the premises, information should be provided regarding the means by which a driver would operate the minibus without first visiting the premises.’

Representations

No neighbours were consulted for this application.

Assessment

Section 192 Town and Country Planning Act 1990 allows an application to the LPA to determine if a proposed use of buildings or other land would be lawful. If considered to be lawful a certificate to that effect must be issued, which may be relied on by the applicant.

The main consideration is whether the proposed use at the residential property would amount to a material change of use which would be classed as development. Planning Practice Guidance states that planning permission will not normally be required to run a business from a dwelling house provided that the property remains predominantly for residential usage. Whether a proposal amounts to a material change of use is in each case a matter of fact and degree, but relevant factors to be considered include whether a business leads to notable increases in traffic, disturbance to neighbours, abnormal noise or smells or the need for any major structural changes or major renovations. The location plan and google images show the property to be a semi-detached house in typical residential use. There is no planning history which would suggest otherwise.

In terms of land uses effect of the additional visitors, in theory people living near the premises could be affected by any comings and goings above those that would normally be associated with a typical dwelling. In this case, the business will operate remotely. No customers will visit the property; activity has been detailed to be limited to the applicant only coming and going from the premises when the taxi is being hired. The applicant has outlined only 1 member of staff will reside at the premises, however given the proposal details two taxi buses, it would be reasonable to assume a second operator will need to visit the premises to access the taxi bus. Further details have been requested to address this concern; however, no further information has been provided. It therefore cannot be ensured the proposed business use would not cause harm to neighbours.

Given insufficient information has been provided which satisfies the site is able to accommodate parking for the proposed two taxi buses for business use and the parking facility for the residence, highways have been unable to ensure the business would not result in parking of vehicles on the public highway and therefore to the detriment of highway safety.

Taking all factors into account, as a matter of fact and degree, the provision of the use of the operation of this business from a residential property cannot be guaranteed to not take the use of the property beyond what could properly be described as a dwelling house. Due to a lack of information regarding the on-site parking facility for the business and whether the operators attending the property due to the second taxi, the associated level of activity cannot be guaranteed to be limited enough as to not impact the residential amenity of neighbouring properties.

Based on the information submitted, the proposed use cannot be considered lawful development which would not result in a material change in the use of any buildings or land.

Conclusion

Due to a lack of information provided regarding the on-site parking facility to accommodate both the existing residential parking requirement as well as the parking requirement for the taxi business and a lack of information regarding the attending of a second driver to the site the proposed use cannot be guaranteed to be considered a lawful use of the land under section 55 of The Town and Country Planning Act 1990 (as amended).

RECOMMENDATION: Refuse

Justification

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

Additional information was requested from the applicant on the 6th August 2026 to address the issues raised by Highways DC. No response was received and additional information was requested again on the 25th August 2026. A response was received on the 14th September requesting a refund however it was communicated this could not be provided as a significant time had already passed on the application and significant work had been engaged on the application. An EOT of time was added to the 9th October to allow for additional information to be provided. No additional information was provided.

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

Reasons for Refusal

- 1) Despite requests for additional information the applicant has not submitted sufficient details to enable an adequate assessment to be made of the effect of the proposal on highway safety and the impacts on neighbouring properties. Without this information it cannot be determined that the proposal would not result in a material change of use which would require planning permission. As such the proposal can therefore not be considered a lawful use of the land under sections 55 and 192 of The Town and Country Planning Act 1990 (as amended)