
2026/0308

36 Melvinia Crescent, Barnsley, S75 1DZ

Home based taxi operator (Lawful Development Certificate – proposed use)

Site Description

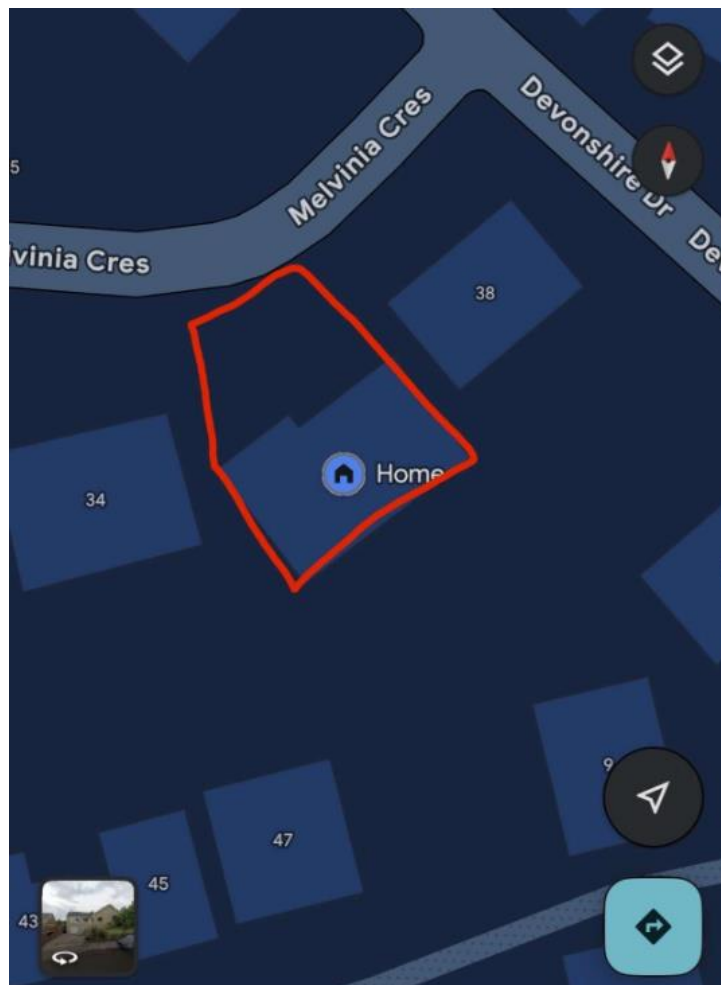
The application relates to a detached dwelling located on Melvinia Crescent. The surrounding area is characterised by predominantly detached dwellings constructed from various coloured brickwork and stone. The property is a bungalow constructed from stone and features a pitched and gable roof form. A driveway is located to the front of the dwelling. A small garden is located to the front of the dwelling, and a modest garden is located to the rear of the dwelling.

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:

20260308 Location Plan



Policy Context

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.

The use of a dwelling for the purpose of a home based taxi operator is allowed without obtaining planning consent provided that it meets the criteria 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

No consultation

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. 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 a residence first and a business second (i.e. there is no material change of use). 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 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 will be limited to the applicant only coming and going from the premises when the taxi is being hired. No members of staff will be present at the premises as such the business use would not appear unusual and unlikely to cause harm to neighbours. There may be a slight increase in vehicle movements from the premises at hire times, however this is not considered significant and there is ample off road car parking at the premises. The applicant may have an additional car for personal use however this is not considered material, as often households have more than 1 vehicle and there is ample space for off road parking.

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, does not take the use of the property beyond what could properly be described as a dwelling house. The level of activity associated with the use is very limited to the occupant level, be similar to what a person living close by could expect from any domestic property. Based on this information, it is not considered that the use triggers a change of use at the property requiring planning permission.

Summary

In summary, based on the submitted information, the lawful use of the premises would remain a private dwelling house as a matter of fact and degree, rather than a mixed use dwelling and taxi use. The certificate is therefore issued on this basis.

RECOMMENDATION: Approve subject to conditions

Justification

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

It has not been necessary to make contact with the applicant to request amendments.

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.

- 1) The development hereby approved shall be carried out strictly in accordance with the plans

20260308 Location Plan

and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.