

Environmental Services Department Business Uses in Residential Property



This leaflet is designed to help you if you are proposing to run a business from your home. If you wish to use one or more of the rooms in your house for business purposes, or garage(s), other outbuildings and/or the grounds surrounding your home, you should read this leaflet carefully.

Please note that the information given is necessarily of a general nature. If you are in any doubt, you should discuss your particular circumstances with a Planning Officer.

Can I work from home?

There are an increasing number of people who are employed in either full or part-time work at home. Traditionally this has included self-employed tradesmen, using their homes for office purposes but generally working elsewhere, self-employed professionals conducting most of their business by post or telephone, and certain medical practitioners with patents calling at their homes on an appointment basis.

In recent years, encouraged by incentives such as the Enterprise Allowance and Business Start-Up Schemes, more people have ventured into self-employment, often operating at first on a small scale from home to establish the likely success of the business and to make it financially secure before taking on permanent business accommodation.

The Council accepts that many types of business can be operated from home without causing any disturbance or nuisance to neighbours. However, the introduction of some kinds of business into a residential area can have an unacceptable impact, disturbing neighbours by noise, traffic or commercial activity at unsocial hours. In addition, the scale of business use may be significant enough to alter the overall residential character of the dwellinghouse. This would constitute a material change of use for which planning permission will be required.

Current legislation does not make it absolutely clear what is an acceptable level of business activity at a residential property, nor at which point planning permission is required. As a result, the “common sense approach” has to be adopted to determine whether the business use is either:

- a an acceptable ancillary use of the property not requiring planning permission;
- b a business use which, because of its nature, could not reasonably be expected to be carried out in residential property without first obtaining planning permission.

Providing your proposals satisfy **all** of the following criteria, it is unlikely that the Council would require you to submit a planning application:-

- 1 The main use of the property must remain residential.
- 2 There must be no physical change to the exterior of the dwelling.
- 3 No signs or advertisements should be displayed on the dwelling or within the grounds.
- 4 The business must only be carried out by a member or members of the resident household.
- 5 No employees should work on the premises.
- 6 The business should not give rise to nuisance or disturbance to other residents due to:
 - i noise, fumes or vibration;
 - ii working at unsocial hours;
 - iii customers or business contacts calling at the dwelling;
 - iv deliveries or collections by trade or commercial vehicles;
 - v parking and/or storage of vehicles at or near the dwelling;
 - vi no goods or materials should be stored at the dwelling.

Can I carry on my business without permission?

Only if your business meets **all** of the criteria listed above, permission will not be required. If you are in any doubt you should check your circumstances with a Planning Officer.

What if I need permission?

In cases where all the criteria cannot be met by your business, you must apply for planning permission. This does not, however, mean that permission will automatically be given. Every application will be carefully considered on its own and the individual circumstances will be taken into account. Only if the Council is satisfied that the business use proposed is unlikely to have an adverse impact upon the residential character of the area will permission be granted.

Will the Council impose any restrictions?

To safeguard adjoining residents, a permission may be given which is subject to conditions. These may, for example, limit the permission to a named individual, restrict the hours of operation of a permitted use or give a temporary permission for a limited period in order that the Council can re-assess the impact of the business after it has been operating for some time.

Might my application be refused?

In cases where the Council considers that the nature of the business is such that it is unacceptable that it be carried out in a residential area, permission will be refused. This is particularly the case where there are regular deliveries of goods, noisy processes, or regular calls at the premises by the public in connection with the business. In these instances the commercial activity associated with the proposed business would be such that the business would be more properly located in retail or industrial premises rather than being conducted from home.

You should note that if you fail to make an application where it is needed, or if you continue to run a business from home following the refusal of planning permission, the Council may take enforcement action against you which could result in you being prosecuted and heavily fined.

What if my circumstances change?

Many businesses operated from home are new ventures, the success of which cannot necessarily be assessed at the outset. Even where it has been decided with the help of a Planning Officer that you do not need permission, you should be aware that your business may expand to a level where your activities become unacceptable in a residential area. In these cases you will not be allowed to work from home indefinitely and you should realise that the Council may require you to cease trading from home. Should you find yourself in this position, the Council may be able to help you find suitable premises.

Who to contact

If you would like to discuss the question of running a business from home or if you have any queries about planning permission, you should contact the Environmental Services Department, Civic Buildings, New Market Street, Wigan, telephone 01942 404272.