

OFFICER REPORT FOR DECISION UNDER DELEGATED AUTHORITY

APPLICATION NO: D0357.25

WARD: Havering-atte-Bower **Date Received:** 21st July 2025

ADDRESS: 9 Warden Avenue
Romford

PROPOSAL: Certificate of lawfulness for proposed conversion of the smallest bedroom to office for business administration purposes ancillary to the main dwelling.

DRAWING NO(S): Site Location Plan 1:1250

RECOMMENDATION: It is recommended that a **Certificate of Lawfulness be issued** in accordance with the details given at the end of the report

SITE DESCRIPTION

The property is a residential, semi-detached dwelling and is neither a listed building nor is it within a conservation area.

DESCRIPTION OF PROPOSAL

A Certificate of Lawfulness is sought for the proposed conversion of one of the bedrooms to a office for business administration purposes ancillary to the main dwelling.

RELEVANT HISTORY

None found.

CONSULTATIONS/REPRESENTATIONS

N/A

RELEVANT POLICIES

Sections 55 and 192 of the Town and Country Planning Act 1990 (as amended).

STAFF COMMENTS

In accordance with the current protocol for site visits, an in-person site visit was not considered to be necessary. In determining this planning application, photos, Google Street View™, aerial view images and submitted drawings were used to assess the site constraints.

The Council maintain that as per s.192(2) of the Town and Country Planning Act 1990 (as amended) that the onus is firmly upon the Applicant to demonstrate to the satisfaction of the Council that the use or operations described in the application would be lawful if instituted or begun at the time of the application. The courts have held that the relevant test of the evidence on such matters is on the 'balance of probability'.

Section 55 of the Town and Country Planning Act 1990 (as amended) states that planning permission is only needed if the work being carried out meets the statutory definition of 'development' which is further set out within this section.

'Development' includes 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.

The categories of work that do not amount to 'development' are set out in Section 55(2) of the Town and Country Planning Act 1990. This includes:

- In the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.

The supporting information in the application form and a subsequent email from the applicant states the business work involves business administrative tasks and operational management. There will be no customer visits to the premises. Clients will be served via online platforms and telephone communication, ensuring there is no public access to the property.

- No people will be calling at the dwelling in relation to the business.

- No cars or other vehicles would be parked or waiting near the dwelling in relation to the business.

- No signs would be displayed at the site in relation to the business.

- The property's main function will remain as a single family dwelling house.

Therefore, based on the information provided, it is not considered that the level of activity would be sufficient to give rise to a noticeable or material change of use of the property. There will not be significant increase in coming and goings and any additional noise generated from administrative duties would not be over and above the existing conditions. It is considered the primary use would remain as a dwelling so it can be concluded that the proposal would not result in detriment to the amenity of the area and would not constitute 'development' as set out in Section 55 of the Town and Country Planning Act 1990 (as amended).

KEY ISSUES/CONCLUSIONS

It has been demonstrated to the satisfaction of the Local Planning Authority that the use or operations described in the application would be lawful within the meaning of S192 of the Town and Country Planning Act 1990 (as amended) if instituted or begun at the time of the application.

RECOMMENDATION:

It is recommended that a **Certificate of Lawfulness be issued** in accordance with the following details

INFORMATIVES

1 Cert of Lawfulness Non Std 1

The proposed use would be within the provisions of the Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and no material change of use would have taken place from the current lawful use within Class C3(a) of that Order.

Planning permission will not be required for a use of the nature described as part of the information submitted with this application operating from this address. For avoidance of doubt the applicant is advised that this certificate pertains to the following:

The only activities conducted at the property regarding the business will be administrative tasks and operational management. There will be no customer visits to the premises. Clients will be served via online platforms and telephone communication, ensuring there is no public access to the property.

-No people will be calling at the dwelling in relation to the business.

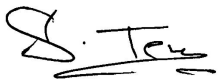
-No cars or other vehicles would be parked or waiting near the dwelling in relation to the business.

-No signs would be displayed at the site in relation to the business.

-The property's main function will remain as a single family dwelling house.

However, it is worth noting that should the circumstances relating to the business alter in any respect this may change the requirements for planning permission and you should contact the Council for confirmation of these matters. The onus remains on the applicant to ensure that the development is lawful and that the use of the property remains as a single dwelling house.

Authorising Officer:



Suzanne Terry

7th October 2025