CERTIFICATE OF LAWFULNESS OF EXISTING USE OR DEVELOPMENT

SUPPORTING STATEMENT

117 Clockhouse Lane, Romford, RM5 3QT

Application Description: Certificate of Lawfulness of Existing Use or Development for the continued mixed use of the property as a dwellinghouse (Class C3) and a small-scale ancillary home-based beauty salon

1. INTRODUCTION

This Supporting Statement has been prepared in support of an application to the London Borough of Havering for a Certificate of Lawfulness of Existing Use or Development (CLEUD) under Section 191 of the Town and Country Planning Act 1990.

The application relates to 117 Clockhouse Lane, Romford, RM5 3QT and seeks confirmation that the existing use of the property as a dwellinghouse within Use Class C3, together with a small-scale ancillary home-based beauty salon, is lawful for planning purposes.

The residential use of the property remains established and predominant. The occupier continues to live at the property as their home.

A small-scale beauty activity has been undertaken from the property since approximately May 2020. The activity comprises beauty treatments, including waxing and threading, and is undertaken on an occasional and limited basis.

Approximately 8–10 customers attend per month. The customers are predominantly residents of the same street and generally walk to the property for appointments.

The activity therefore generates negligible additional vehicular traffic and does not create a material parking demand.

The application is based on the particular characteristics and intensity of the existing use and seeks confirmation that the beauty activity remains ancillary to the established residential use and has not resulted in a material change in the character of the property requiring planning permission.

2. THE APPLICATION SITE

The application site comprises 117 Clockhouse Lane, Romford, RM5 3QT.

The property is an established dwellinghouse within a residential setting.

The occupier continues to reside at the property and the dwelling remains their principal home.

The property continues to function as a residential dwelling and has not been converted into a dedicated commercial premises.

The existing beauty activity takes place within the context of the established residential use.

3. EXISTING USE OF THE PROPERTY

The principal use of the property is as a dwellinghouse within Use Class C3.

The occupier continues to live at the property.

The residential use has not been displaced or interrupted by the beauty activity.

The property continues to provide the normal accommodation and facilities associated with a private dwellinghouse.

The beauty activity is subordinate to this residential use and does not represent the principal function of the property.

4. EXISTING HOME-BASED BEAUTY ACTIVITY

The home-based beauty activity commenced approximately in May 2020.

The services undertaken comprise:

- beauty treatments;
- waxing; and
- threading.

The activity is operated by the residential occupier from their home.

It is a small-scale and occasional activity, with approximately 8–10 customers per month.

The level of activity is therefore very limited and is not comparable with a conventional commercial beauty salon operating from dedicated commercial premises.

There is no continuous flow of customers and the property does not operate as a high-intensity commercial business.

The residential use remains the primary use of the property.

5. CUSTOMER NUMBERS AND PATTERN OF USE

The number and frequency of visitors are important considerations when determining whether a home-based activity has resulted in a material change in the character of a dwelling.

In this case, approximately 8–10 customers attend each month.

This represents a low level of visitor activity, averaging approximately two customers per week.

The customers are predominantly residents of the same street and generally walk to the property.

The activity therefore has a very localised customer base and does not generate the level of visitor activity normally associated with an independent commercial salon.

The limited number of visitors is an important characteristic of the existing use and demonstrates that the residential function of the property remains predominant.

6. HIGHWAY, TRAFFIC AND PARKING IMPACT

The existing activity generates negligible additional traffic and parking demand.

Approximately 8–10 customers attend the property per month, and customers are predominantly residents of the same street.

Customers generally walk to the property rather than travelling by car.

Accordingly, the activity:

- generates negligible additional vehicular movements;
- creates negligible additional parking demand;
- does not result in significant customer parking;
- does not generate regular commercial vehicle movements; and
- does not materially affect the operation of the surrounding highway network.

There is no evidence that the activity has resulted in parking congestion, significant overspill parking or a material increase in on-street parking pressure.

Government guidance identifies increases in traffic and parking, together with the number and regularity of visitors, as relevant factors when assessing whether a home-based business has resulted in a notable change in the character of a dwellinghouse.

The very limited number of visitors and the fact that customers generally walk from the same street demonstrate that the existing activity has negligible highway and parking implications.

7. NOISE AND RESIDENTIAL AMENITY

The services undertaken are inherently low-impact activities comprising beauty treatments, waxing and threading.

The activity does not involve manufacturing, industrial processes, heavy machinery or amplified music.

The low number of customer visits also means that there is no continuous or intensive movement of people to and from the property.

There is no evidence of significant noise, vibration or disturbance arising from the activity.

The property therefore continues to function in a manner compatible with its established residential character.

8. DELIVERIES AND COMMERCIAL VEHICLE ACTIVITY

The scale of the activity does not require significant commercial deliveries or commercial vehicle movements.

There is no evidence of regular deliveries that would materially alter the character of the property or the surrounding residential street.

The activity does not require significant storage, servicing or other operational arrangements associated with a standalone commercial premises.

9. ODOUR, VIBRATION AND OTHER ENVIRONMENTAL EFFECTS

The beauty activity does not involve cooking, food preparation, industrial processes, manufacturing or other activities likely to generate significant environmental effects.

There is no significant vibration associated with the use.

The nature of the activity is compatible with a residential dwelling and there is no evidence of environmental effects sufficient to demonstrate a material change in the character of the property's use.

10. EXTERNAL APPEARANCE AND CHARACTER OF THE PROPERTY

The property remains a residential dwellinghouse in appearance and function.

The existing home-based beauty activity has not resulted in the property becoming a commercial premises in physical or visual terms.

The residential character of the property remains unchanged.

The activity takes place within the existing dwelling and does not create an intensive commercial presence within the street.

The relationship between the property and the surrounding residential environment therefore remains fundamentally residential.

11. THE MATERIAL CHANGE OF USE TEST

The key issue for this CLEUD application is whether the existing home-based beauty activity constitutes a material change of use requiring planning permission.

Government guidance confirms that whether a material change of use has occurred is a matter of fact and degree and must be assessed according to the individual circumstances of the case. The guidance states that a local planning authority should consider whether home working or a business has resulted in a notable change in the character of the property's use.

Relevant considerations can include:

- increased traffic;
- parking requirements;
- number and regularity of visitors;
- timing of visitors;
- deliveries;
- noise;
- smells; and
- physical alterations or structural changes.

The circumstances at 117 Clockhouse Lane should therefore be assessed as a whole.

12. APPLICATION OF THE TEST TO 117 CLOCKHOUSE LANE

The existing facts demonstrate that the beauty activity remains subordinate to the residential use.

12.1 The property remains the occupier's home

The occupier continues to live at 117 Clockhouse Lane.

The dwelling remains their principal home.

12.2 Residential use remains predominant

The primary function of the property remains residential.

The beauty activity has not displaced the C3 dwellinghouse use.

12.3 The activity is very limited

Only approximately **8–10 customers attend per month**.

This represents a very low level of activity.

12.4 Customers are predominantly local

Customers are predominantly residents of the **same street**.

The activity therefore does not attract a significant wider customer base.

12.5 Customers generally walk

Customers generally **walk to the property**.

This means the activity generates negligible additional vehicular traffic and negligible additional parking demand.

12.6 The activity is low impact

Beauty treatments, waxing and threading are relatively quiet activities.

There is no evidence of significant noise, vibration, odour or disturbance.

12.7 The residential character remains unchanged

The property continues to operate and appear as a normal residential dwellinghouse.

Taken together, these factors demonstrate that the activity has not resulted in a notable change in the character of the property's use.

13. ANCILLARY NATURE OF THE BEAUTY ACTIVITY

The relevant distinction is between a genuine commercial premises operating from a dwelling and a limited home-based activity which remains subordinate to the residential use.

In this case, the residential use is clearly predominant.

The beauty activity is:

- operated by the resident;
- undertaken from the resident's home;
- small in scale;
- limited to approximately 8–10 customers per month;
- predominantly serving local residents;
- associated with customers who generally walk to the property; and
- not generating significant traffic, parking, noise or disturbance.

The beauty activity therefore remains **ancillary to the residential use** rather than constituting an intensive standalone commercial use.

Government guidance recognises that home-based activities do not normally require planning permission where they remain incidental to the dwellinghouse and do not result in a notable change in the character of its use.

14. SECTION 191 OF THE TOWN AND COUNTRY PLANNING ACT 1990

Section 191 of the Town and Country Planning Act 1990 allows a person to apply to the local planning authority to determine whether an existing use of buildings or land is lawful.

Government guidance confirms that a CLEUD is concerned with **planning lawfulness**, rather than the normal planning merits of a proposal. The authority must determine whether the specific existing use is lawful on the facts and relevant planning law.

The applicant is responsible for providing sufficient factual information and evidence to enable the Council to determine the application.

Where the evidence is sufficiently precise and unambiguous and is not contradicted by evidence to the contrary, the Council should consider whether the evidence establishes the position on the **balance of probability**.

This statement therefore sets out the precise nature, scale and characteristics of the existing use.

15. PRECISION OF THE CERTIFICATE

Government guidance states that the description contained within a lawful development certificate must be sufficiently precise so that there is no uncertainty as to what use has been certified. This is particularly important where a planning unit is in mixed or composite use.

The applicant therefore seeks a certificate in the following terms:

Certificate of Lawfulness of Existing Use or Development for the continued mixed use of the property as a dwellinghouse (Class C3) and a small-scale ancillary home-based beauty salon.

The supporting statement defines the characteristics of the ancillary activity, including its scale, customer numbers and relationship with the residential use.

16. ENFORCEMENT PERIOD

The applicant does **not** rely upon the passage of time since May 2020 as the basis for this application.

The beauty activity commenced approximately in May 2020 and has therefore been operating for approximately six years.

The current Planning Inspectorate guidance confirms that most unauthorised changes of use other than a change to a single dwellinghouse are subject to a **10-year enforcement period**, subject to the statutory provisions and exceptions.

Accordingly, the application is not based upon the assertion that the use has become lawful through the passage of time.

Instead, the application is based on the position that the existing activity **does not constitute a material change of use requiring planning permission**, having regard to its very limited scale and its continuing relationship with the residential use.

17. HAVERING LOCAL PLAN 2016–2031

The **Havering Local Plan 2016–2031**, adopted in 2021, forms part of the Council's development plan.

The Local Plan policies are not the statutory test for determining a CLEUD. Nevertheless, they provide useful context regarding the Council's objectives for residential amenity, parking, design and environmental impacts.

The existing use is considered below against the relevant policy objectives.

18. POLICY 7 – RESIDENTIAL DESIGN AND AMENITY

Policy 7 – Residential Design and Amenity seeks to ensure that residential development provides an attractive, safe and accessible living environment while protecting the amenity and quality of life of existing and future residents.

The policy specifically seeks to avoid unacceptable levels of:

- noise;
- vibration; and
- disturbance.

The existing home-based beauty activity is consistent with these objectives.

The services are low-impact and the number of customers is very limited.

There is no evidence of significant noise, vibration or disturbance arising from the activity.

The residential amenity of neighbouring properties is therefore not materially affected.

19. POLICY 24 – PARKING PROVISION AND DESIGN

Policy 24 – Parking Provision and Design is concerned with appropriate parking provision and the avoidance of unacceptable parking and highway impacts.

In this case, the activity generates only approximately **8–10 customer visits per month**.

Furthermore, customers are predominantly residents of the **same street** and generally **walk to the property**.

The activity consequently generates negligible additional vehicular movements and negligible parking demand.

There is no evidence of significant overspill parking or highway congestion arising from the activity.

The existing use is therefore consistent with the relevant parking and highway objectives of the Local Plan.

20. POLICY 26 – URBAN DESIGN

Policy 26 – Urban Design seeks to ensure that development respects the character and identity of the site and its surroundings.

The existing activity does not materially alter the external appearance of the dwelling.

The property remains visually and functionally identifiable as a residential property.

The activity does not create an intensive commercial presence within the streetscene.

The established residential character of the property is therefore maintained.

21. POLICY 34 – MANAGING POLLUTION

Policy 34 – Managing Pollution seeks to prevent unacceptable environmental effects arising from development.

The existing beauty activity is inherently low-impact.

It does not involve industrial processes, manufacturing, significant machinery or other activities likely to generate significant noise, vibration or emissions.

The very limited number of customer visits further reduces any potential environmental effects.

The activity is therefore consistent with the relevant environmental objectives of the Local Plan.

22. EVIDENCE IN SUPPORT OF THE APPLICATION

The applicant will provide evidence to substantiate the existing use and its characteristics.

This should include, where available:

22.1 Occupier's Statement

A signed statement confirming:

- the property is the occupier's home;
- the occupier continues to reside at the property;
- the beauty activity commenced approximately in May 2020;
- the services comprise beauty treatments, waxing and threading;
- approximately 8–10 customers attend per month;
- customers are predominantly from the same street;
- customers generally walk to the property; and
- the activity remains small-scale and home-based.

22.2 Photographic Evidence

Photographs showing:

- the external residential appearance of the property;
- the surrounding residential character;
- the internal area used for the activity; and
- the absence of an intensive commercial fit-out, where applicable.

22.3 Supporting Records

Where available, evidence may include:

- dated photographs;
- appointment records;
- booking records;
- diaries;
- correspondence;
- evidence of continued residential occupation; and
- other documentation demonstrating the limited nature of the activity.

The evidence will accurately reflect the circumstances of the existing use.

23. RESPONSE TO THE COUNCIL'S CONCERN

The Council has raised concern regarding the presence of beauty treatment activity at the residential property.

The applicant recognises that a sufficiently intensive commercial activity carried out from a dwelling can constitute a material change of use.

However, the presence of a home-based activity does not automatically amount to a material change of use.

Government guidance requires the particular facts and circumstances to be considered, including visitor numbers, traffic, parking, deliveries, noise and disturbance.

In this case:

- the occupier continues to live at the property;
- the residential use remains predominant;
- only approximately 8–10 customers attend per month;
- customers are predominantly from the same street;
- customers generally walk to the property;
- there is negligible additional traffic;
- there is negligible additional parking demand;
- there is no significant noise or disturbance; and
- the residential character of the property remains unchanged.

The evidence therefore supports the conclusion that the existing beauty activity remains a **small-scale ancillary home-based use** and has not resulted in a material change in the character of the property.

24. CONCLUSION

The application seeks a Certificate of Lawfulness of Existing Use or Development confirming:

Certificate of Lawfulness of Existing Use or Development for the continued mixed use of the property as a dwellinghouse (Class C3) and a small-scale ancillary home-based beauty salon.

The evidence demonstrates that:

1. **117 Clockhouse Lane remains an established dwellinghouse.**
2. The occupier continues to live at the property.
3. The residential use remains the principal and predominant use.
4. The home-based beauty activity commenced approximately in **May 2020**.
5. The activity comprises beauty treatments, waxing and threading.
6. The activity is small-scale and occasional.
7. Approximately **8–10 customers attend per month**.
8. Customers are predominantly residents of the **same street**.
9. Customers generally **walk to the property**.
10. The activity therefore generates negligible additional vehicular traffic.
11. The activity creates negligible additional parking demand.
12. There is no evidence of significant overspill parking or highway congestion.
13. The activity does not generate significant noise, vibration or disturbance.
14. There are no significant industrial or other environmental impacts.
15. The residential character and function of the property remain unchanged.
16. The beauty activity remains subordinate and ancillary to the residential use.

17. The application does not rely upon the 10-year enforcement immunity period.
18. The relevant issue is whether the existing activity constitutes a material change of use.
19. On the particular facts of this case, the limited scale, frequency and impact of the activity demonstrate that it has not resulted in a notable change in the character of the property's use.

Accordingly, the applicant respectfully requests that the **London Borough of Havering** issue a **Certificate of Lawfulness of Existing Use or Development** confirming the existing use described in the application.

25. PROPOSED CERTIFICATE DESCRIPTION

For clarity and precision, the applicant requests that the certificate be issued in the following terms:

Certificate of Lawfulness of Existing Use or Development for the continued mixed use of the property as a dwellinghouse (Class C3) and a small-scale ancillary home-based beauty salon.

This description accurately identifies the established residential use and the limited ancillary home-based beauty activity and defines the characteristics of the existing use with sufficient precision.

Government guidance confirms that precision in the wording of an LDC is important, particularly where a planning unit is in mixed or composite use.

APPLICATION SUMMARY

Item	Details
Site	117 Clockhouse Lane, Romford, RM5 3QT
Local Planning Authority	London Borough of Havering
Application Type	Certificate of Lawfulness of Existing Use or Development
Principal Use	C3 Dwellinghouse
Ancillary Use	Small-scale home-based beauty salon
Activity	Beauty treatments, waxing and threading
Commencement	Approximately May 2020
Customers	Approximately 8–10 per month
Customer Base	Predominantly same street
Customer Travel	Generally on foot
Parking Impact	Negligible
Traffic Impact	Negligible
Residential Occupation	Continued
Basis of Application	No material change of use; ancillary home-based activity