

DECISION DELEGATED TO HEAD OF PLANNING

Application No: H22-0986-25 **Applicant:** Mr S Martin
Proposal: Use of property for parking of taxi
Location: 12 Lychgate Weston Spalding
Terminal Date: 8th December 2025

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

National Guidance

National Planning Policy Framework December 2024

Representations:

	Object	Support	No Obj.	Comments
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CASE OFFICER ASSESSMENT

Proposal

The application seeks consent for a lawful development certificate for the use of the site for parking a taxi. It is proposed for the taxi to be parked within the site when not in use by the applicant. The applicant's working hours are between 7am to 10pm Mondays to Sundays. Consent is sought under Section 192 of the Town and Country Planning Act (1990) (as amended).

Site Description

The site comprises land at 12 Lychgate, Weston, which includes a semi-detached two-storey dwelling. There are two parking spaces located next to the dwelling, one of which is proposed to be used for parking the taxi. The site is surrounded by other residential dwellings.

Relevant Planning History

H22-0954-99: (Outline Application) Residential development (Study Area 1) - withdrawn 03 December 1999

H22-0254-00: (Full Application) Construction of 276 houses with garages & off-street parking & related shopping units with parking (Revised Scheme) - refused 10 April 2001 - appeal dismissed and Secretary of State agreed with the appeal decision (10 April 2001)

H22-0101-16: (Outline Application) Residential Development - approved 23 July 2018

H22-1135-20: (Full Application) Residential development for the erection of 150 dwellings and

associated open space and infrastructure - refused 10 September 2021

H22-1249-21: (Full Application) Residential development for the erection of 150 dwellings and associated open space and infrastructure - re-submission of H22-1135-20 - approved 24 March 2022

Consultation

There is no statutory obligation for the Local Authority to publicise an application for a certificate of lawful development. Notwithstanding this, a site notice has been displayed for 21 days.

Key Planning Considerations

Assessment

The Town and Country Planning Act (1990) sets out that there are two main types of "development". One is operational development, such as the erection of a building, and the other is the material change of use of land. In this case, no operational development is proposed. Furthermore, the application seeks to establish that the proposed use of the site to park a taxi would not require planning permission as it would not result in a material change of use of the land.

Planning Practice Guidance states that planning permission will not normally be required to run a business from a dwelling provided that the property remains a residence first and a business second. Therefore, whether planning permission is required to run a business from home is a matter of fact and degree, and largely depends on the intended business operations. For example, various factors are relevant such as how intensely the site might be used, if any particularly noisy activities are associated, if there is sufficient parking within the site and the level of disturbance that might arise. It is established planning law that a material change of use will only have occurred if there has been a change in the definable character of the use of the site. Assessments need to be made on a case-by-case basis, and the change needs to be one of substance.

According to the application form, the applicant intends to use the site to park their taxi when it is not in use. The applicant's working hours are between 7am to 10pm Monday to Sunday. No customers will visit the property and as such, any business activity will be limited to the applicant coming and going from the site when the taxi is hired. No members of staff will be present at the premises as the applicant will be the only employee using the taxi from the site. There may be a slight increase in vehicle movements from the premises resulting from the use of the taxi from the site; however, it is not considered that this would result in any adverse impacts as the operating times are not considered to be excessive. As such, it is considered that the proposed parking of the taxi would not harm the residential amenity of neighbouring properties.

Based on the above factors, the proposed use of the use of the site to park a taxi would not materially change the permitted use of the site, which is residential. Therefore, full planning permission is not required.

Additional Considerations

Public Sector Equality Duty

In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

Human Rights

In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

Conclusion

It is considered that the proposed development would be permitted development, and that a certificate of lawfulness can be issued under S192 of the Town and Country Planning Act, 1990.

Recommendation

A certificate of lawfulness can be issued under S192 of the Town and Country Planning Act, 1990.