

# PLANNING GUIDELINES

## *Use of Residential Property for Business Purposes*



TRAFFORD METROPOLITAN BOROUGH COUNCIL

PLANNING GUIDELINES -

USE OF RESIDENTIAL PROPERTY FOR BUSINESS PURPOSES

INCORPORATING AMENDMENTS MADE JANUARY 1993 FOLLOWING PUBLIC CONSULTATION

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## PLANNING GUIDELINES -

### USE OF A RESIDENTIAL PROPERTY FOR BUSINESS PURPOSES

#### 1. INTRODUCTION

- 1.1. These guidelines relate to proposals to convert all or part of a residential property to a business use. These types of development are very individual, with each proposal raising differing issues depending on the use proposed, property type and location. The guidelines explain some of the more common issues raised, so that the applicant will be aware of any possible problems, and set out where the reasonable balance lies between protecting the residential environment on one hand and the need to encourage economic development on the other.
- 1.2 The guidelines also apply to uses which although not businesses (in the sense of bringing in an income) nevertheless go beyond what would be regarded as incidental to the enjoyment of a dwelling and therefore require planning permission.
- 1.3 These guidelines are for use as supplementary planning guidance to the Policies and Proposals in the Borough's Unitary Development Plan, particularly Proposals ENV 37 (New Developments) and E14 (Office Conversions).
- 1.4 The Engineering and Planning Directorate also produces a number of other guidelines of relevance to businesses and these should be consulted where appropriate. They are:
  - Residential Care Homes and Nursing Homes for the Elderly
  - Development Control Guidelines for Day Nurseries and Playgroups
  - Car Parking Standards
- 1.5 If you require any further advice on the use of a dwelling house for a business purpose or any other planning matter, please contact the Engineering and Planning Directorate on 061-872 2101, ext. 4832 or 4833 for the north of the Borough and Sale (west) or ext. 4835 or 4836 for the south of the Borough and Sale (east).

#### 2. GOVERNMENT POLICY

- 2.1. The main Government policy on this subject is contained in Planning Policy Guidance Note PPG4, 'Industrial and Commercial Development and Small Firms'. This states that in areas which are primarily residential, Development Plan policies should not seek unreasonably to restrict commercial and industrial activities of an appropriate scale - particularly in existing buildings - which would not adversely affect residential amenity.
- 2.2. In addition, there is a Department of Environment Guide entitled 'A Step by Step Guide to Planning Permission for Small Businesses' available free of charge at the Planning reception desk at Trafford Town Hall, Stretford.

### 3. THE NEED FOR PLANNING PERMISSION

- 3.1. Use of the whole of a residential property for a business use will require planning permission as a material change of use.
- 3.2. A use of part of a residential property in a way which is separate and independent of the use of the rest of the property, is likely to require planning permission as a material change of use.
- 3.3. If a proposed business use involves physical development such as an extension to the building, changes to its external appearance, new parking areas or a new or widened vehicular access, planning permission is likely to be required for that development as well as any change of use.
- 3.4. Even if there are no physical alterations and the use is only of part of the residential property and not forming an independent use, planning permission will be required if the result is a material change of use of the property as a whole (i.e. from a single dwelling to a mixed use as a dwelling and a business use).
- 3.5. In assessing whether a proposal is a material change of use, the following issues will be taken into account:
  - The nature of the proposed use, and how different it is from residential use;
  - The extent of the use, e.g. how many rooms will be used, what proportion this is of the property;
  - The intensity of use, e.g. the number of hours of use per week, the number of people involved;
  - The potential effects on neighbours or the area; relevant factors would include the nature of the use, the house type and location, the number of employees and visitors, any likely deliveries and collections, effects of additional vehicles, car parking, etc.
- 3.6. If the use is very extensive it will need planning permission even if there are minimal effects on neighbours; conversely if there are significant effects on neighbours planning permission is likely to be required in any event.
- 3.7. Use of a small part of the property (e.g. one small room) by the occupier for a quiet use with no employees or visitors or deliveries (other than post) is not likely to need planning permission, particularly if the hours involved are less than normal working hours.

#### 4. IMPACT ON THE CHARACTER AND ENVIRONMENT OF A RESIDENTIAL AREA

4.1 The Council's main concern in a residential area is to safeguard the residential character of the area and preserve the amenities of residents. Business uses will only be allowed if they can fit acceptably into this residential context.

4.2 Business uses potentially have a number of non-residential characteristics which together can in some cases represent an intrusive presence in a residential area. These characteristics may include:

- increased areas of hardstanding for car parking, with consequent loss of garden and planted areas;
- wider vehicle access points, resulting in the loss of boundary walls and planting;
- minor changes such as fluorescent lighting, blinds rather than curtains, name signs, etc, which together emphasise the commercial presence;
- noise from machinery or other activities;
- additional overlooking compared with a residential use (e.g. if all-day business use of an upstairs bedroom takes place);
- increased vehicular and pedestrian traffic to and from the premises and within the grounds;
- increase in activity within the building which may cause disturbance if the use is intensive and the property shares a party wall with another residential property;
- social effects of not being a neighbour with common householder interests;
- smells, e.g. from food associated businesses;
- harmful visual effects, e.g. from outdoor storage or from parking of commercial vehicles within the curtilage of the property or on-street.

4.3. How much of a problem, if any, the above will be depends upon a number of issues including:

- property type (terraced properties for example are usually less suitable for a business use than a detached house because neighbours will be more closely affected by any extra activity);

- the type of use proposed and the way in which it is to be operated (see Section 9 for examples);
- location (quiet areas are less acceptable than a location where the surroundings are generally busy);
- amount of floorspace to be used (for example the effects of converting one room are likely to be less than converting a whole floor or whole building);
- number of employees (this will affect comings and goings and car parking requirements).

## 5. ECONOMIC EFFECTS

- 5.1 The Council's Unitary Development Plan allocates sizeable areas of the Borough as being suitable, in principle, for a variety of commercial uses. These areas contain a large amount of business floorspace of which a proportion is usually vacant in a variety of sizes. Within these areas there are also further development opportunities, including a number of un-implemented planning permissions. For example, in the case of office floorspace the main office blocks in Trafford provided a total of 336, 857 sq.m. (3,626,928 sq.ft) of office floorspace at July 1991.
- 5.2 The total vacant office space in all areas of Trafford at the same time was approximately 83,612 sq.m (900,000 sq.ft) in a wide range of locations and with available sizes starting as low as 9.3 sq.m (100 sq ft). There was further office floorspace under construction or with planning permission.
- 5.3. In comparison with the actual and potential employment in the preferred locations for office uses, as described above, the potential employment gains from occasional businesses of a size which can be acceptable in residential areas, is small. Similar comparisons could be made for other uses such as industrial. Nevertheless, even one extra job is valuable and the smallest firm may be the start of bigger things.
- 5.4 Using a residential property for a business can in some cases provide a type of accommodation which is not readily available in the commercial areas, i.e. small self-contained owner occupied premises with on-site car parking. Some of the businesses are of a sort which could not realistically be expected to occupy purpose built commercial accommodation, perhaps because of the small scale or intermittent nature of the activity or its uncertain financial prospects.

## 6. GUIDELINES

All proposals for the change of use of all or part of a dwelling house to a business use will be assessed in accordance with the guidelines below. A proposal which satisfies the guidelines will normally be acceptable. As many of the potential effects of a business use in a residential area relate to effects on neighbours, it is advisable to discuss your proposals with your immediate neighbours first as it may be possible to resolve any potential problems or misunderstandings prior to submitting an application, although this will not in itself mean that planning permission will automatically be granted.

- (i) Sufficient car parking spaces should be provided within the site to accommodate any extra vehicles attracted to or caused by the proposed use.

It is the Council's policy that the additional car parking caused by any development should be accommodated within the site rather than on-street as on-street parking is likely to cause loss of residential amenity and highway congestion or danger. If the proposal involves only the person living in the house there may be no additional parking needed. If however there are other employees or visitors, extra parking will be needed. The Council's parking standards will be used to assess the amount, with account being taken of how the use is intended to operate.

- (ii) Any additional car parking provision and any other external physical changes should be limited to an amount which keeps the property in character with its surroundings.

In particular the proportion of garden and landscaping area to hard surfaced areas should remain in character with the area. Having car parking over all or most of a front garden for instance is unlikely to be acceptable.

- (iii) The amount of comings and goings (including those of employees and visitors) should be small.

Too many comings and goings would be detrimental to the amenities of neighbouring residents and the area generally.

- (iv) The extent of the business use should not be such as to adversely affect any separately occupied flat within the building or any dwelling sharing a party wall with the property.

Any noise arising from the proposed use could be particularly noticeable in such dwellings. This can include noise from office equipment such as typewriters and photocopiers. Adequate sound attenuation measures tend to be both difficult to achieve and expensive.

- (v) Any activity to be carried out outside the house should not cause such problems of noise, smell or visual intrusion as to be unduly detrimental to the amenities of neighbouring residents.

Proposals which include a use which will take place outdoors may cause unacceptable disturbance or intrusion to neighbouring residents as outdoor activities are likely to be very noticeable.

- (vi) A business use at quiet times, such as late evenings or week-ends, will normally be unacceptable if it has a noticeable effect on neighbours.

Late evenings and weekends can reasonably be expected by residents to be quiet and so any proposal which would involve activity at such times will be very critically considered. The conclusions will depend upon the use proposed and times of operation, and the nature of the surroundings.

- (vii) Areas which are particularly subject to pressure for non-residential use will normally be considered suitable for only the most low key business uses. Any use which is likely to result in additional commercial pressure on the remaining residential properties will be unacceptable.

Areas which are particularly vulnerable include areas of larger old properties on the edge of town centres and properties on main roads. If business uses are generally allowed in such areas, the number of potential conversions is likely to be such that the residential character of the area would quickly be lost. A low key business use would usually involve the use of no more than one or two rooms, by a person living on the premises, with no other employees and few visitors.

- (viii) Any proposed use and subsequent physical alterations should be compatible with the residential character of the area.

For a business use to be visually acceptable in a residential area, it needs to reflect the character of its surroundings and not 'stand out' as an obviously commercial presence.

- (ix) For most Conservation Areas within residential areas, the residential nature of the area is an important part of their character and business uses may often therefore be unacceptable. However, where a Listed Building or other building of individual, group, or townscape value is vacant and no longer suitable for continued occupation by a residential use, then the Council may look sympathetically at a business use proposal which would keep or bring the building back into use and improve its quality and condition.



The Council has a duty to ensure that any proposal involving a Conservation Area preserves or enhances or appearance of the area. A business use adversely affecting residential character will therefore be unacceptable. Very small scale business uses which are virtually unnoticeable may be acceptable. A business use which brings a vacant Listed Building or other building of architectural value back into use may be preferable to it being vacant, but the Council would in such circumstances normally look in the first place to residential re-use and there would need to be clear evidence that this is not possible before business use would be likely to be considered favourably.

- (x) For residential properties in the Green Belt any new business use should be a use appropriate to a rural area, should not have any undue impact on the visual or other amenities of the area, and should not result in the need for another dwelling in the area.

The Green Belt is inappropriate for most urban types of business use or for most development which would result in new buildings. (See Proposals C7 and C9 of the Council's Unitary Development Plan).

- (xi) Any activities which would cause problems of vibration, smells, fumes, smoke, ash, dust or grit will normally be unacceptable.

Such effects are inappropriate in a residential area.

- (xii) Display of business signs above the normally allowable limit of one sign of not more than 0.3 sq. metres in area will normally be unacceptable.

Any prominent display of business signs would be inappropriate in a residential area.

## 7. SUBMITTING A PLANNING APPLICATION

When submitting a planning application for a change of use it is important to complete the application form fully and provide sufficient information to enable the Council to assess the effects of the proposal. This will help to avoid any unnecessary delays in the processing of your application. In particular applications should include information on the following (where applicable):

- **Proposed Hours of Operation.** Be realistic when setting out the hours and days or the week in which you intend to work so that you will not be unduly restricted by a condition limiting the use to these hours (see Section 8, 'Conditions').
- **Rooms to be Used.** Floor plans will be required to show the existing use of the rooms within the property and the proposed use of these rooms.

- **Employment.** Details are required of how many people will be using the property.
- **Traffic.** Estimates are required of this, e.g. from employees and visitors (whether on foot or by car), delivery or collection of goods etc. If any goods vehicles are involved, details should be given of the type of vehicle likely to be used.
- **Access and Car Parking.** Details of existing on-site car parking provision and access points and any proposed additional car parking provision and new or widened vehicular access should be shown on a plan.
- **Landscaping.** If your proposal involves the loss of any important trees or hedges, or would result in an enlarged hardstanding area this should be shown and any replacement planting which is proposed should also be shown on your plans.
- **Machinery.** Details of any machinery to be used are required and details of any industrial process.
- **Mitigating Measures.** Any measures proposed to reduce potential problems should be described.
- **Relationship to adjoining or adjacent properties.** This should be clearly shown on a plan.

#### 8. GRANTING PLANNING PERMISSION - CONDITIONS

If planning permission for a business use is granted there may be conditions attached. These are often to ensure that the business is carried out according to the applicant's description of how it would operate and they are therefore unlikely to unduly limit your ability to carry out the business. There is the right to appeal against conditions, when they are first imposed, and it is also possible to apply to alter them subsequently by making a planning application to this effect.

Some of the most common types of conditions used and their function are described below:

**Trial Period Condition** - this is used where the impact of the proposal is difficult to assess and will possibly be dependant on the way in which the business is conducted. It gives the Council an opportunity to review the situation when the planning permission expires, in the light of experience on how the business has operated. Before the permission expires the business operator would have to apply again for planning permission to continue the use.

**Limited Period Condition** - this allows planning permission to be granted for a short period only. It is therefore normally used when there is a particular short-term need for the use and an expectation that the use will cease at the end of the period. It can be used to allow a business time to look for more appropriate premises.

**Personal Condition** - this limits the benefit of a planning permission to a named person. If the named person ceases to operate the business or vacates the property, the permission will expire. The personal condition is used where it is considered that the use is only acceptable because of the personal circumstances of the applicant.

**Hours of Operation Condition** - used to ensure that the business is not carried out at such unsociable hours or for such long hours as to give rise to nuisance. The proposed hours of operation should be indicated on your planning application. Bear in mind that if the Council consider these hours to be the maximum that are acceptable they may include them within a condition but longer or shorter hours may be stipulated according to the particular circumstances.

**Car Parking Condition** - used to ensure that the proposed car parking spaces are provided before the business use can commence. Can also be used to ensure that the car parking provision is made available for that purpose at all hours the use is in operation.

## 9. EXAMPLES OF BUSINESS USES

The following are notes on some of the types of business uses in residential properties for which applications are received. This is only a general guide to the main issues, and much will depend upon the particular circumstances.

**Hairdressing** - normally involves a continual flow of mainly local customers; can be acceptable, but often only for a limited number of hours.

**Consulting Room** - can involve a considerable number of comings and goings; on the other hand use by a doctor, dentist or other medical practitioner is a use generally appropriate in a residential area because it provides a local service; if the doctor lives on the premises and the use is small scale, then planning permission may not be required; where permission is required, much will depend on the number of clients/patients expected per day, the hours of operation and whether adequate car parking can be satisfactorily accommodated.

**Car Repairs** - normally a noisy use and usually unsightly; may also cause problems of smells if paint spraying takes place; requires adequate parking and manoeuvring space for cars being worked on or awaiting repair or collection; difficult to accommodate satisfactorily in a residential area.

- Private Hire Car Businesses - cars calling at the house and comings and goings at late hours can be very disturbing to surrounding residents; telephone calls and the use of radio control may also be noticeable at such hours through a party wall; problems of car parking may arise if it is proposed that taxis or private hire vehicles will call at the house; or be based there; this type of use is likely to be acceptable only in the most limited of cases.
- Shops - involves callers and deliveries but can provide a useful and acceptable neighbourhood service; corner properties are normally more suitable than those in the middle of a row.
- Manufacturing - normally likely to be acceptable for only very small businesses involving only the occupier of the house; main problems are likely to be noise from machinery, and vehicles visiting the property (both to deliver materials and collect the finished product).
- Office - activity within the house will not normally be disturbing, but depending upon the exact use proposed, comings and goings could cause some disturbance and parking provision may be a problem, particularly if a large amount of the house's floorspace is used.
- Storage - if carried out in the open, then visual problems may occur (e.g. storage or building materials); delivery and collection activities may be intrusive, depending on their frequency; the use of garage space for storage can cause problems of loss of off-street parking provision.
- Food Preparation - small scale cold food preparation within the property may not cause a problem, but deliveries may cause disturbance (depending on their frequency); if any food is processed or cooked, smells may be a problem.



**TRAFFORD**  
METROPOLITAN BOROUGH COUNCIL

*The Director of Engineering and Planning*

P.O. Box 12, Trafford Town Hall, Talbot Road, Stretford, Trafford, Greater Manchester M32 0YX  
For General Council Enquiries Tel: 0161-912 1212 Fax: 0161-912 4407