

Running a Business From Your Council House

GUIDANCE NOTES

The information set out in this fact sheet is to help you find out if you are eligible under the terms of your tenancy agreement to run a business from your home. The guidelines will help you to complete the application form and make sure that any documentation needed to complete your application is included.

You should bear in mind that should the Council give you permission to use your home for business purposes, this will not constitute any permissions that may be required from the Council in its other capacities, for example as a Planning Authority.

Frequently Asked Questions

These are the most frequently asked questions when applying to run a business from home. If, after reading the guidance notes, you require any further information or clarification please telephone your local neighbourhood housing office.

Q What type of businesses do I need written permission for?

A You need written permission, from the Council as owner of your property, to run any business from your home. You may also need planning permission and/or building regulation consent depending upon the type of use and whether or not you will be carrying out any alterations to accommodate your proposal. Your application will be sent to the Development and Regulatory Services Manager for assessment who will confirm whether or not planning permission is required.

Q If permission is granted will my rent increase?

A Possibly: An additional rent may be levied to reflect your business use of part of the house. Your current rent is assessed on the basis of residential use only and it is unreasonable to charge you the same rent as your neighbour who is not operating a business from their house. All applications will be considered on an individual basis taking account of the circumstances of the proposed use.

Q Will business rates be payable?

A Your home is currently registered for council tax as residential accommodation. If you operate a business from all or part of the house then that part of the house may be subject to payment of business rates. A copy of your application will also be sent to **Head of Financial Services** for assessment of any business rate implications.

Q What if I start (or already operate) a business without written permission?

A It is a breach of your tenancy agreement to operate a business from your home without written permission from the Council. If you are already running a business without permission you must apply for permission immediately.

If the application is refused, you must, with immediate effect, stop any business activity from your home. You will receive visits from Sandwell Council to ensure this has been carried out. Failure to do so will put you in breach of your tenancy agreement.

Q What will happen if the Council is agreeable to me running a business from my home?

A You will be granted consent in the form of a separate Licence. The Licence will outline the conditions upon which you will be allowed to operate a business from your home. You must comply with all the conditions of the licence and if you fail to do so it will be considered as a breach and consent may be withdrawn.

If business activity continues in these circumstances then, as with any other breach of the tenancy agreement, action will be taken to put right the breach, including the use of injunctions and possession proceedings if necessary.

Q What happens if you decide I need planning permission for my proposed use?

A You will be responsible for submitting and paying for an application for planning permission. The Development and Regulatory Services Manager will consider your planning application and decide whether planning permission should be granted. If planning permission is refused you will not be granted permission to use your home for business purposes.

Q Will any other permissions be needed in addition to those already mentioned?

A Any permission granted by the Council would specifically relate to the use of its property for a business purpose. It would be your responsibility to make sure that the running of your business meets the various legal requirements that apply. You may feel it necessary to seek your own advice in such matters.

Q On what grounds would you refuse permission for me to run a business from my home?

A Before submitting your application you should have due regard to the terms and conditions of your tenancy agreement. You should consider whether or not your intended use will have any impact upon your neighbours and the terms you have agreed to abide by in your tenancy. You will not be refused permission without good reason but some of the likely reasons for refusing permission would be:-

- Cause nuisance to neighbours or adversely impact upon the neighbourhood and environment.
- Involve the use of oxygen, acetylene or other flammable gas bottles or the storage of large quantities of dangerous substances.
- Involve the display of any signs or notice boards about your business on/in your home.
- Involve the repairing of motor vehicles from your home.
- Involve the use of noisy machinery.
- Present a danger to the health and safety of the occupiers or neighbours.
- Conflict with any conditions of your Tenancy agreement.
- Reduce the amenities of the property, or be unsuitable in relation to the nature of the business, number of employees, property type, location and size.