

# Running a Business from Home Policy for Council Tenants and Leaseholders

This policy sets out Dartford Borough Council's approach to allowing business to be run in Council properties.

May 2025

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## 1. INTRODUCTION

- 1.1. This policy sets out Dartford Borough Council's ('the Council's') approach to allowing businesses to be run in Council tenanted and leasehold properties.
- 1.2. Across the UK there has been a rise in the number of small businesses that are run from home. This rise is mainly due to changing technology allowing forms of remote working to open up.
- 1.3. The Council wants to encourage residents to set up businesses from home. It appreciates that home enterprise can have a positive impact by increasing residents' income but also equipping them with experience and skills, which in turn can improve employment prospects for the future.
- 1.4. This policy relates to the Corporate Plan ambition to provide a high quality and responsive housing service that's built on respect for aspiring and existing tenants. We want to be practical, honest and straightforward in all the information and advice we give.

## 2. AIM OF POLICY

- 2.1. The aim of this policy is to clarify the conditions for Council tenants and leaseholders wishing to set up a business from home.
- 2.2. **Tenants** – The tenancy agreement allows Council tenants (introductory and secure) to apply for permission to set up a businesses from home. For permission to be granted, the conditions set out in section 3 of this policy must be met.
- 2.3. **Leaseholders** – Although the lease agreement does not allow Council leaseholders to set up a business from home, the Council may decide to waive this restriction. For permission to be granted, the conditions set out in section 3 of this policy must be met.
- 2.4. This policy explains how Council tenants and leaseholders can make requests to set up a business from home and how these requests will be dealt with by the Council. The policy also explains what types of trade, business or profession the Council may or may not grant permission for and the consequences of running a business from home without permission or which is unsuitable.
- 2.5. Tenants and leaseholders should not start to run a business from their property until they have requested and received permission by the Council in writing, which will not be unreasonably withheld.

## 3. CONDITIONS TO RUNNING A BUSINESS FROM HOME

### 3.1. Where permission will not be given to run a business from home

- 3.1.1. The Council will not give permission for a business to be run from home if:

- It breaks any terms of the tenancy or lease agreement. For example, this includes where the activity is an illegal, improper or immoral activity or likely to cause nuisance to neighbours. Nuisance may be caused by frequent visitors, high levels of deliveries or collections, high noise levels/noise during unsocial hours or smells or parking congestion.
- It would require major adaptation of the property or would damage the property in some way.
- It is operating without a relevant permit, registration or licence as required by law, such as unregistered skin piercing/tattooing or unregistered food production.
- It has not been assessed or has not reached level 3 of the Council's food hygiene rating system (generally satisfactory).
- It involves heavy or noisy machinery, such as the use of hydraulic equipment or industrial machines.
- It involves storing a significant number of items within the property or outside space, such as cooking ingredients and large electrical goods.
- It involves storing flammable or hazardous products, such as gas canisters, white spirits, petrol, cooking oil etc.
- It is a pet or animal related business (including cattery, kennels, other boarding, breeding or selling pets)
- It reduces the amenities of the property, or is unsuitable in relation to the nature of the business, number of employees, property type, location and size.
- It uses Council owned areas in the vicinity, including garages, outbuildings and shared/communal areas.
- It compromises the health and safety of the tenant or leaseholder, occupants or neighbours.

3.1.2. The following are examples of where the Council will not give permission to run a business from home:

- Vehicle repairs
- Shops or wholesale businesses
- Animal breeding
- Unregistered food production
- Unregistered skin piercing/tattooing
- Music studio

### 3.2. **Where permission may be given to run a business from home**

3.2.1. The following are examples of where the Council may give permission to run a business from home:

- Office administration e.g. accounting/copywriting/consultancy/other computer based business
- Childminding
- Dressmaking (but not using industrial machines)
- Cake decorating
- Tutoring
- Telesales
- Telephone answering

- Counselling
- Acupuncture
- Architect
- Clothing/home design
- Hairdressing/beauty treatments

### 3.3. **Property alterations**

- 3.3.1. Where home improvements are being considered by a tenant or leaseholder to accommodate running a business from home, a [property alternation form](#) must be completed to request permission before the works can commence. Secure tenants and leaseholders may request permission to make improvements to their property. However, please note that introductory tenants do not have the right to make improvements to the property. Any agreed improvements or alterations to a property will be the responsibility of the tenant or leaseholder, not the Council, for any future maintenance and repairs that are required.

### 3.4. **Advertising a business**

- 3.4.1. Permission must be obtained from the Council should a tenant or leaseholder wish to display any notice or advertisements at the property or use online advertising.

### 3.5. **Advice and support for new businesses**

- 3.5.1. The Council provides a range of services and useful information for business in Dartford, including setting up a business.  
<https://www.dartford.gov.uk/support-advice-2/advice-support-new-businesses>
- 3.5.2. Advice and support on starting or running a business is also provided on the Government's website.  
<https://www.gov.uk/business-support-service>  
<https://www.gov.uk/moving-from-benefits-to-work/starting-your-own-business>

### 3.6. **Residents responsibilities**

- 3.6.1. The Council will remind tenants and leaseholders who apply to run a business from home of the legal and regulatory requirements which need to be taken into consideration before permission is given. Tenants and leaseholders should ensure that before they make an application to run a business from home they:
1. Contact an insurance provider to see what insurance is needed for the business, such as third party, public liability and contents insurance.
  2. Contact the Valuation Office Agency (VOA), to see if business rates will have to be paid on the part of the property used for the business.  
<https://www.gov.uk/government/organisations/valuation-office-agency>  
See a guide on business rates at <https://www.gov.uk/introduction-to-business-rates>
  3. Contact HM Revenue & Customs and an accountant, to see what the income tax, VAT and Capital Gains Tax position is.  
<https://www.gov.uk/government/organisations/hm-revenue-customs>

4. Contact the Health & Safety Executive or the Council to find out the health and safety aspects of running a business and how to do a risk assessment.  
<https://www.hse.gov.uk/>
5. Check whether the line of business requires adherence to licences/regulations or DBS checks.
6. Contact the [local planning authority](#) as planning permission may be required for a change of use to run a business from a residential property. Whether planning permission is required will depend on the impacts of the business proposed. Further advice should be sought from the Council's Planning officers and more information is available on the Council's website at <https://www.dartford.gov.uk/applications-1/i-need-planning-permission>.
7. Consider whether to register the business with Companies House, which is responsible for incorporating and dissolving limited companies.  
<https://www.gov.uk/government/organisations/companies-house>
8. Check if there is any help with starting or running a business from home (see section 3.5).

### **3.7. Withdrawal of permission**

- 3.7.1. The Council has a right to withdraw permission granted for running a business from home or to impose conditions if problems arise from the operation of the business.

### **3.8. Nature of the tenancy or lease**

- 3.8.1. Running a business from home should not alter the fundamental purpose of the property; the primary use of the property must always be residential.

## **4. PROCEDURE FOR OBTAINING PERMISSION**

- 4.1. If a tenant or leaseholder wishes to run a business from home, they should complete a Running a Business from Home Application Form, attached at Appendix 1, or which can be [downloaded from the Council's website](#) or can be sent by post on request. If assistance is needed with the form due to language or literacy reasons, the form can be translated, provided in alternative formats, or a member of the Tenancy Services team can help the tenant or leaseholder to complete it.
- 4.2. Each application will be considered by a Housing Officer and a decision will be made within 10 working days on whether or not to allow the tenant or leaseholder to run a business from home. Permission will not be unreasonably refused and any decision will be based on the conditions set out in section 3 of the policy.
- 4.3. A letter confirming that permission has been granted and conditions to the permission will be sent to the tenant or leaseholder. The tenancy/leasehold records will be updated accordingly. If permission has been refused, a letter will be sent stating the reason for this.

#### **4.4. Re-applications for permission where a tenant moves to another Council property**

- 4.4.1. If a Council tenant granted permission to run a business from their property moves to another Council property, such as via a transfer or mutual exchange, the permission to run the business from the current property will cease when the move takes place. A new application will need to be completed should the tenant wish for the business to be run from the new property.
- 4.4.2. It is recommended the application is submitted as much in advance as possible to the move taking place in order to ensure it is processed in a timely way.
- 4.4.3. Re-applications will not be unreasonably refused as long as the conditions set out in section 3 of the policy continue to be met with regards to the business being run at the new property.

### **5. RIGHT TO APPEAL**

- 5.1. In the event that a Council tenant or leaseholder is either refused permission to run a business from home or that permission is withdrawn, they may appeal by requesting a review of the decision.
- 5.2. Any appeal must be made within 14 days of permission being refused or withdrawn. Verbal requests for an appeal can be made, as well as requests in writing. Requests should be made to the attention of the Tenancy Services Manager:
  - By telephone: 01322 343434
  - By email: [HEM@dartford.gov.uk](mailto:HEM@dartford.gov.uk)
  - In writing: Housing Services, Dartford Borough Council, Civic Centre, Home Gardens, Dartford, Kent, DA1 1DR.
- 5.3. The investigation will be carried out by a senior officer and independent to the officer who made the original decision. When an appeal is lodged, the Council will aim to make a decision in writing within 14 days.

### **6. RUNNING A BUSINESS FROM HOME WITHOUT PERMISSION**

- 6.1. If the Council identifies that a tenant or leaseholder is running a business from home but has not sought permission, then the Council will send an application form and request that the tenant or leaseholder completes it within 10 working days. If the tenant or leaseholder does not return it, or refuses to stop their business after the Council has denied permission, the Council will take enforcement action.
- 6.2. If permission has been granted by the Council but the business causes nuisance to neighbours, damage to the property, or the nature of the work was not outlined in the original application form, the Council will investigate the matter. If the nuisance cannot be stopped, it will be dealt with under the tenancy agreement or lease agreement conditions.

- 6.3. If a tenant or leaseholder refuses to comply with the Council's requirements, then the Council will take enforcement action which, for tenants, could include application to the Court for repossession of the property due to a breach of the tenancy conditions, or for leaseholders, could include forfeiture of the lease.

## **7. COMPLAINTS**

- 7.1. If a tenant or leaseholder is not satisfied with the level of service they have received, the Council's [Corporate Complaints Procedure](#) can be followed. Complaints leaflets are also available from the Council offices.
- 7.2. The [Housing Ombudsman](#) can be contacted if further advice and support is needed on making a complaint to the Council.

## **8. DATA PROTECTION**

- 8.1. The Data Protection Act 2018 and the UK GDPR regulate the processing of information relating to individuals, which includes the obtaining, holding, using or disclosing of such information.
- 8.2. The Council needs to collect and use certain types of information about its service users in order to carry out its everyday business and to fulfil its objectives and its statutory functions.
- 8.3. The Council's:
- [Data Protection Policy](#) sets out how it will protect special category and criminal convictions personal data; and
  - The [Housing Services \(landlord and tenant\) Privacy Notice](#) explains that the Council collects personal information to administer these services.

## **9. EQUALITY AND DIVERSITY**

- 9.1. The Council is committed to welcoming and valuing diversity, promoting equality of opportunity and tackling unlawful discrimination in accordance with the Equality Act 2010. The Council, in delivering this policy, will have regard to the Public Sector Equality Duty and ensure that no individual is discriminated against based on their sex, sexual orientation, marital status, pregnancy and maternity, gender reassignment, race, religion, belief, disability or age.
- 9.2. The Public Sector Equality Duty is a duty on the Council and that responsibility cannot be delegated to a contractor/service provider and is a continuing duty.
- 9.3. A [Customer Access Review](#) has been undertaken to assess the equality impact this policy will have on affected persons with protected characteristics. The review concluded that the policy should have an overall positive impact on Council tenants and leaseholders as it aims to provide opportunities for home enterprise and a transparent, proportionate, fair and consistent approach to the process.



## **10. REVIEW**

- 10.1. This policy will be reviewed every three years or earlier to address legislative, regulatory, best practice or operational issues.

## APPENDIX 1 - RUNNING A BUSINESS FROM HOME APPLICATION FORM

If you are a Dartford Borough Council tenant or leaseholder, you can use this form to make an application for permission to run a business from home. Before you consider making an application, please read the **Running a Business from Home Policy** at <https://www.dartford.gov.uk/housingstrategy>, or a copy can be provided on request.

<b>Name</b>		
<b>Address</b>		
<b>Phone number</b>		
<b>Email</b>		
<b>Are you a Dartford Borough Council tenant or leaseholder?</b>	Tenant <input type="checkbox"/>	Leaseholder <input type="checkbox"/>

Section 2: About the business you are applying for permission to run from home																	
<b>Name of your proposed business</b>																	
<b>Type of business</b>																	
<b>Brief description of the work you will be carrying out in the property</b>																	
<b>What hours will the business operate?</b>	<p>From ..... (am/pm) To ..... (am/pm)</p> <p>Please tick the days you will be working</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td>Mon</td><td></td><td>Tue</td><td></td><td>Wed</td><td></td><td>Thu</td><td></td> </tr> <tr> <td></td><td></td><td>Fri</td><td></td><td>Sat</td><td></td><td>Sun</td><td></td> </tr> </table>	Mon		Tue		Wed		Thu				Fri		Sat		Sun	
Mon		Tue		Wed		Thu											
		Fri		Sat		Sun											
<b>Please supply details of the room(s) you will be using in the property to run your business</b>																	
<b>Do you need to make any alterations or improvements to the property to accomodate your business?</b>  <b>Please note secure tenants and leaseholders have the right to make certain improvements to their property. Introductory tenants do not have this right.</b>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, you must obtain permission from the Council to make improvements to the property by completing a <a href="#">property alteration form</a>.</p> <p>Please give brief details of the alterations or improvements you will be requesting permission to carry out.</p>																

## Section 2: About the business you are applying for permission to run from home

<p><b>Are you planning to display any notice or advertisements at the property or use online advertising for the business?</b></p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, you must obtain permission from the Council to display any notice or advertisements at the property or use online advertising.</p> <p>Please give details of the notice or advertisements you wish to request permission for:</p>
<p><b>Will you be employing or will anyone else not already resident in the property be working from the property?</b></p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please state the number of people:</p>
<p><b>Will any machinery or equipment be used in the running of the business?</b></p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please provide details of the machinery or equipment:</p>
<p><b>Will goods be delivered to the property?</b></p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please provide details of the frequency of deliveries:</p>
<p><b>Will you be operating any vehicles from the property other than your own vehicle?</b></p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please provide details of how many vehicles and types of vehicles:</p>
<p><b>Will customers and/or clients be visiting the property?</b></p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please provide details of anticipated numbers, the frequency of visit and during what hours:</p>
<p><b>How do you intend to minimise any impact on neighbours? (such as noise, increased footfall and potential issues with parking - if this applies)</b></p>	
<p><b>Please give details of any membership you have with relevant trade bodies (such as Ofsted)</b></p>	
<p><b>Please give details of any relevant certificates you hold (such as first aid, food hygiene, beauty)</b></p>	
<p><b>When do you want to start using your home to run a business?</b></p>	

### Section 3: Checklist

Have you contacted an insurance provider to see what insurance is needed for the business, such as third party, public liability and contents insurance?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have you contacted the Valuation Office Agency (VOA), to see if business rates will have to be paid on the part of the property used for the business? <a href="https://www.gov.uk/government/organisations/valuation-office-agency">https://www.gov.uk/government/organisations/valuation-office-agency</a> See a guide on business rates at <a href="https://www.gov.uk/introduction-to-business-rates">https://www.gov.uk/introduction-to-business-rates</a>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have you contacted HM Revenue & Customs and an accountant, to see what the income tax, VAT and Capital Gains Tax position is? <a href="https://www.gov.uk/government/organisations/hm-revenue-customs">https://www.gov.uk/government/organisations/hm-revenue-customs</a>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have you contacted the Health & Safety Executive or the Council to find out the health and safety aspects of running a business and how to do a risk assessment? <a href="https://www.hse.gov.uk/">https://www.hse.gov.uk/</a>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have you checked whether the line of business requires adherence to licences/regulations or DBS checks?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have you contacted the <a href="#">local planning authority</a> as planning permission may be required for a change of use to run a business from a residential property. Whether planning permission is required will depend on the impacts of the business proposed. Further advice should be sought from the Councils Planning officers and more information is available on the Council's website at <a href="https://www.dartford.gov.uk/applications-1/i-need-planning-permission">https://www.dartford.gov.uk/applications-1/i-need-planning-permission</a> .	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have you considered whether to register the business with Companies House, which is responsible for incorporating and dissolving limited companies? <a href="https://www.gov.uk/government/organisations/companies-house">https://www.gov.uk/government/organisations/companies-house</a>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Have you checked if there is any help with starting or running a business from home? <a href="https://www.gov.uk/moving-from-benefits-to-work/starting-your-own-business">https://www.gov.uk/moving-from-benefits-to-work/starting-your-own-business</a>	Yes <input type="checkbox"/>	No <input type="checkbox"/>

### Section 4: Declaration

1. I declare that the information given on this form is a true representation of the business that I am applying to be run from my home.
2. I agree to conduct my business, if permission is granted, within the terms of my tenancy or lease agreement.
3. I understand that the Council can withdraw its permission or impose conditions for running my business from home at any time.
4. I am aware that if I set up a business and do not comply with the conditions set out for running the business from home the Council will take enforcement action under the terms of the tenancy or lease agreement.
5. Once the Council has given me permission to set up a business, I will inform the Council should I stop the business or make changes to the nature of the business.

Tenant/ leaseholder  
signed:

Date:

The information you provide on this form will be used to assess your application to run a business from home and will be saved to your tenancy/leasehold file. Please refer to our Privacy Notices for further details of how we process your personal information and your rights:

- Corporate Privacy Notice - <https://www.dartford.gov.uk/privacy-notices/corporate-privacy-notice>
- Privacy Notice for the Housing Services (Landlord and Tenant) – <https://www.dartford.gov.uk/privacy-notices/housing-services-landlord-tenant>

Please return this signed form to Dartford Borough Council:

By email: [HEM@dartford.gov.uk](mailto:HEM@dartford.gov.uk)

By post to Housing Services, Dartford Borough Council, Civic Centre, Home Gardens, Dartford, Kent, DA1 1DR

A letter will be sent to you confirming whether or not permission has been granted within 10 working days of receipt of this form.

## THIS SECTION IS FOR COUNCIL STAFF USE ONLY

Application approved?	Yes <input type="checkbox"/> No <input type="checkbox"/>	Letter to tenant/ leaseholder?	Yes <input type="checkbox"/> No <input type="checkbox"/>
		Date sent	
Additional staff comments			
Signed		Dated	

If you or anybody you know requires this or any other council information in another language, please contact us and we will do our best to provide this for you. Braille, Audio tape and large print versions of this document are available upon request.



**Tel: 01322 343434**

**Calls are welcome via Relay UK**



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