RUNNING A BUSINESS IN A RESIDENTIAL ESTATE: IS NEIGHBOURS' CONSENT NECESSARY?

Whether or not a homeowner in a residential estate is permitted to carry on any form of business - and if so, how - will normally be governed primarily by the constitution of the estate's Home Owners Association, and by any rules or regulations made by it.

There is also a strong indication in a recent High Court judgment that, whenever a business is so permitted to operate, it will as a matter of course require the actual consent of other home owners - at least of the immediate neighbours.

The case in question saw a home owner running a children's playgroup from her house. She had none of the necessary government and other statutory permits but had applied for them, and the only point at issue was whether or not she needed the consent of her neighbours.

The Court, holding that "the consent of the respondent's neighbours in any event ought to be obtained if regard is to be had to the communal rights and interests of the owners and residents in the estate", ordered her to obtain both such consent, and the permits.

Source: McLoughlin Clark Attorneys