



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/1123

18 Croft Way, Horsham, West Sussex, RH12 2AS

DESCRIPTION:

Variation of Condition 3 of previously approved application reference DC/24/1837 (Retrospective erection of a single storey garden office building at the rear of the property) to allow business use as a pilates studio.

RELEVANT PLANNING HISTORY:

DC/23/1352	Removal of existing conservatory. Erection of single storey rear and two storey side and rear extensions.	Application Permitted on 05.09.2023
DC/24/1837	Retrospective erection of a single storey garden office building at the rear of the property.	Application Permitted on 07.04.2025

DESCRIPTION OF THE SITE

The application site comprises a two-storey detached dwellinghouse that occupies a large plot in Croft Way within the built-up area of Horsham. The road comprises both detached and semi-detached two-storey modern residential houses, constructed with either buff or red brickwork.

The Outbuilding relevant to this planning application is located to the rear of the plot, with its principal elevation located about 28 metres away from the rear elevation of the dwellinghouse. The building has a width and depth of 7 metres and 8 metres respectively. With a dual-pitched roof, the building has a ridge height of 3.9 metres.

DESCRIPTION OF THE APPLICATION

This application is made under Section 73 of the Town and Country Planning Act 1990 to vary the approved planning permission DC/24/1837. The condition sought for variation is condition 3 which states:

“Regulatory Condition: The development hereby permitted shall be occupied solely for purposes incidental to the enjoyment of 18 Croft Way as a dwelling and shall not be used for business or commercial purposes, additional ancillary accommodation, or separate unit of accommodation.

Reason: The establishment of a business or an additional independent unit of accommodation could give rise to an over-intensive use of the site and/or lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policy 33 of the Horsham District Planning Framework (2015).”

The application seeks to allow for the applicant to teach Pilates in the outbuilding as part of her business. No other changes are proposed. The approved layout, scale, appearance, access arrangements and all other conditions of the original permission would remain unchanged.

RELEVANT PLANNING POLICIES

The National Planning Policy Framework (NPPF)

Horsham District Planning Framework (2015):

Policy 31 - Green Infrastructure and Biodiversity

Policy 32 - Strategic Policy: The Quality of New Development

Policy 33 - Development Principles

Horsham Blueprint Business Neighbourhood Plan 2019-2036

Policy HB3- Character of Development

Policy HB4- Design of Development

Policy HB5- Energy Efficiency and Design

Horsham District Local Plan (2023-40) (Regulation 19):

Strategic Policy 9: Water Neutrality

Strategic Policy 19: Development Quality

Strategic Policy 20: Development Principles

Supplementary Planning Guidance:

Planning Obligations and Affordable Housing SPD (2017)

Community Infrastructure Levy (CIL) Charging Schedule (2017)

Planning Advice Notes:

Facilitating Appropriate Development

Biodiversity and Green Infrastructure

REPRESENTATIONS AND CONSULTATIONS RESPONSES

Where consultation responses have been summarised, it should be noted that Officers have had consideration of the full comments received, which are available to view on the public file at www.horsham.gov.uk

Consultations:

Natural England: Standing advice

HDC Planning Compliance: Comment

Permission was previously granted under application DC/24/1837 for an outbuilding to be used as a Pilates studio ancillary to the dwelling at 18 Croft Way. However, Condition 3 restricts the building to incidental residential use and expressly prohibits business, commercial, additional ancillary accommodation, or use as a separate unit of accommodation.

Following a complaint that the studio was operating as a commercial Pilates business, with clients attending throughout the day and a dedicated business website, the owner was advised that the current use breached the approved permission and Condition 3. The owner stated they had not realised they were in breach, believing the business was incidental to the dwelling, but was informed that the condition prohibits any business or commercial use.

HDC Environmental Health Officer: No objection

No objection subject to a condition regarding the hours of use

WSCC Highways: No Objection

Details of the proposed business use are included in the submitted Application Form, with the proposed pilates studio hosting 1-2 people at a time, four days per week for 2-3 hours. Given the small-scale nature of the proposals, the LHA would not consider this to be a significant material intensification of use. The site benefits from ample off-street parking to accommodate visitors. The site is also well accessible on foot, by bicycle and by public transport.

PUBLIC CONSULTATIONS:**Representations:**

5 letters of Objection have been received from 5 addresses, objecting to the application on the following grounds:

- Design
- Loss of general amenity (including noise)
- Unsuitable for a business
- Use of building is different from the original application
- Classes have become more frequent
- Increase in traffic and highways impact
- Opinion that the permission should not have been granted originally for ancillary purposes
- Application should be conditioned to include no weekend use, no unsociable house, no noise and no on street parking
- Domestic premises unsuitable for commercial uses

Parish Comments:

No Objection

Member Comments:

None received

HUMAN RIGHTS AND EQUALITY:

The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the same Act, which sets out their rights in respect to private and family life and for the home. Officers consider that the proposal would not be contrary to the provisions of the above Articles.

The application has also been considered in accordance with Horsham District Council's public sector equality duty, which seeks to prevent unlawful discrimination, to promote equality of opportunity and to foster good relations between people in a diverse community, in accordance with Section 149 of the Equality Act 2010. In this case, the proposal is not anticipated to have any potential impact from an equality perspective.

PLANNING ASSESSMENT

Principle of Development:

Section 73 of the Town and Country Planning Act 1990 allows for the development of land without complying with conditions attached to a previous permission. In determining such an application, the Local Planning Authority must consider the proposed changes against the development plan and other material considerations, including changes in policy circumstances.

The planning application DC/24/1837 was approved at a committee meeting and the decision was issued on 07.04.2025 for the retrospective construction of the outbuilding and the use incidental to the main dwelling.

The applicant submitted a statement as part of the original permission DC/24/1837 which stated that the outbuilding would remain incidental to the use of the dwellinghouse but would be used partly for the applicant to teach Pilates from. The wording of condition 3 sought however to ensure that the outbuilding was not able to use the outbuilding for commercial or business purposes. It is conceivable that such a use can operate within a domestic outbuilding as an incidental operation to the use of the main dwelling. However, upon further use and examination of the use by the Council's Planning Compliance Team, it is now evident that this use goes beyond what would reasonably be considered as 'incidental'.

The present application seeks to retain the use of the outbuilding as ancillary to the dwellinghouse, however remove from the wording of condition 3 the exclusion of commercial/business purposes such that she is able to work from home in the Pilates studio as a home office.

The application form notes the outbuilding would be used for up to 3 hours a day, Monday, Tuesday, Wednesdays and Fridays, with up to 2 clients at a time, with no working at the weekend and restricted hours such that the building would not be used for this purpose between the hours prior to 9:30 am or after 5pm. Given the small-scale operation of the use, Officers are content that the proposed working / operating hours are reasonable within a residential context. With the restriction of the operating hours in mind, the alteration of condition 3 is sufficient to ensure the use of the building as ancillary to the dwellinghouse as part of a single planning unit.

Highways:

Policy 40 of the HDPF supports proposals which provide safe and suitable access for all vehicles, pedestrians, cyclists, horse riders, public transport and the delivery of goods, whilst Policy 41 requires adequate parking facilities within developments.

Neighbouring comments relating to an increase in movements to and from the site on a regular basis and matters of highways safety are acknowledged. However, as above, it is noted that the operation of the site with an ancillary use for pilates classes is small-scale. WSCC have commented on the proposal noting that the use would not be a 'significant material intensification of use'. Furthermore, the site and street benefits from ample off-street parking to accommodate visitors, and is also well accessible on foot, by bicycle and by public transport.

Accordingly, it has been assessed that the proposed variation to the condition imposed by DC/24/1837 would not have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework, and that there are no transport grounds to resist the proposal.

Biodiversity Net Gain (BNG):

Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) mandates that every development must achieve at least a 10% Biodiversity Net Gain (BNG) (unless the development qualifies as exempt under the Biodiversity Gain Requirements (Exemptions) Regulations 2024) and that every planning permission granted for the development of land in England shall be deemed to have been granted subject to the condition that development must not be begun unless a Biodiversity Gain Plan has been submitted to the planning authority and the planning authority has approved the Plan.

The application would be exempt from the mandatory BNG requirements.

Conclusions:

The proposal is considered to comply with relevant local and national planning policies and is therefore recommended for approval.

Recommendation: Application Permitted

Conditions:

2 **Not Used**

3 **Regulatory Condition:** The development hereby permitted shall be occupied in connection with 18 Croft Way as a dwelling for the purposes as a home office and private Pilates studio, and shall not be used for additional ancillary accommodation, or as a separate unit of accommodation.

Reason: The establishment of a business independent from the main dwelling or an additional independent unit of accommodation could give rise to an over-intensive use of the site and/or

lead to an unsatisfactory relationship between independent units of living accommodation contrary to Policy 33 of the Horsham District Planning Framework (2015).

- 4 **Regulatory Condition:** The premises shall only be open for trade or business (as a Pilates studio) between the hours of:
- 09:00 – 18:00 Monday to Friday
 - And at no times on Saturdays, Sundays, or Public / Bank Holidays

Reason: To safeguard the amenities of neighbouring properties in accordance with Policy 33 of the Horsham District Planning Framework (2015).

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

DELEGATED

Case Officer sign/initial Hannah Darley Date: 07.09.2026

Authorising Officer sign/initial RHERMITAGE Date: 07.09.2026