Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/26/1309
The Sports Pavilion, Well Adjusted Health, Church Lane, Ashington, West Sussex, RH20 3JY

DESCRIPTION:
Application to confirm the continuous use of the community facility as a chiropractors (Use Class E) (Lawful Development Certificate - Existing).

RELEVANT PLANNING HISTORY:

DC/16/0242	Erection of 1x non-illuminated fascia sign (Advertisement Consent)	Application Permitted on 19.04.2016
DC/13/1759	Consent to display metal sign on metal pole with name of business and directional arrow	Application Refused on 02.12.2013

PLANNING ASSESSMENT

The application seeks a Certificate of Lawful Development (Existing) to confirm the continuous use of the community facility as a chiropractors (Use Class E) for a period in excess of 10 years.

The evidence submitted:

- *Location Plan*

- *Application Form*
  Historically the building has been used as a surgery for many decades. On 11th January 2012 a lease was granted to Well Adjusted Health who have continued to occupy the building to the present day.

- *Original Lease Agreement - 11th January 2010*
  Between the Ashington Community Centre Trust and J Mason, the previous occupant of the room before the business was transferred to M Jones.

- *Certificate of Incorporation of a Private Limited Company – 10th January 2011*
  Certifies Well Adjusted Health Limited as a private company, registered at The Sports Pavilion Church Lane, Ashington, RH20 3JX

- *HDC Business Rate Bills – dated from 01.04.2016 onwards.*
  Addressed to Mr Jones at Well Adjusted Health, at The Sports Pavilion, Church Lane, RH20 3JY.

- *Original alteration and registration of Well Adjusted Health in 2012 – dated 08.02.2012 back dated to 01.04.2010*

- *Lease interim agreement – December 2011*
  Confirms the business of a chiropractor conducted by J Mason at the Sports Pavilion was transferred to M Jones of Well Adjusted Health LLP sometime in February 2011.

- *Lease agreement – January 2012*
- Confirms the continuation of the lease agreement for a further twelve months from January 2011.

- *Lease agreement – March 2023*
  Usage licence between ACCT and M Jones of Well Adjusted Health, containing location plan of Sports Pavilion and the area within the Pavilion allocated to the business.

- *Lease Agreement – April 2026*
  Three year extension of the property usage licence between ACCT and M Jones of Well Adjusted Health.

- *Statutory Declaration – Mr Jones dated 16.10.2026*
  Confirms the Ashington Community Centre Trust association with the subject site and Well Adjusted Health began in January 2011 and has continued uninterrupted to the present day. Mr Jones is the Chiropractor Tenant from 2011 to present. The subject site has been continuously used and occupied as a chiropractor clinic (Use Class E) for a period exceeding ten years, from January 2011 to the present day.

- *Statutory Declaration - Ms Alford dated 16.10.2026*
  Confirms the Ashington Community Centre Trust association with the subject site and Well Adjusted Health began in January 2011 and has continued uninterrupted to the present day. Ms Alford is a Trustee of the Ashington Community Centre Trust and has oversight of the lease/licence agreements for the subject site since January 2011. The subject site has been continuously used and occupied as a chiropractor clinic (Use Class E) for a period exceeding ten years, from January 2011 to the present day.

<u>Council's evidence:</u>

- *HDC Revenues*
  Confirmed the property has been registered for non-domestic rates since 2010 and has been fully occupied since.

- *HDC Electoral Roll*
  The address is not listed on the electoral register and there are no registered electors to confirm.

- *Parish Council Response dated 02.11.2026*
  No Objection.

- *Questionnaire from Richmond Church Road RH20 3JX dated 20.10.2026*
  Confirmed they live opposite the site, and they know who operates there but have never been a patient there and it does not affect them.

- *Planning Application DC/13/1759 dated 02.12.2013*
  Planning permission was refused for consent to display a metal sign on metal pole with the name of the business 'Well Adjusted Health'. While planning permission was refused, the business 'Well Adjusted Health' was registered at The Sports Pavilion, Church Lane, Ashington, RH20 3JX and this addressed was used in all correspondence from 2013.

- *Planning Application DC/16/0242 dated 19.04.2016*
  Granted permission for the erection of a non-illuminated fascia sign for Ashington Recreation Ground. The Planning Officer's site visit photos show signage for 'Well Adjusted Heath' outside of the building on 11.03.2016, including an A-board and flag.

The application contends that the evidence submitted shows that the community facility has been in continuous use as a chiropractor (Use Class E), for a period in excess of ten years, since 11th January 2012.

Section 191(4) of the Town and Country Planning Act 1990 state that:

"*If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application…they shall issue a certificate to that effect; and in any other case they shall refuse the application*."

The Court held in F W Gabbitas v SSE and Newham LBC [1985] JPL 630 that the applicant's own evidence does not need to be corroborated by "independent" evidence in order to be accepted. If the LPA have no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate "on the balance of probability".

The supporting statutory declarations from both Mr Jones, the owner of Well Adjusted Health and Ms Alford, confirm that Well Adjusted Health began occupying The Sports Pavilion as a chiropractor clinic (Use Class E) in January 2011. Mr Jones is the Chiropractor Tenant who has operated from the subject site from January 2011 to present day. Ms Alford is a Trustee of Ashington Community Centre Trust and has oversight of the lease/licence agreements for the subject site since January 2011. No evidence has been provided to dispute the information stated in the statutory declaration. The provided interim lease agreement (December 2011) and lease agreements from January 2012, March 2023 and April 2026, confirm that a chiropractor business was conducted at the site by Mr Mason, but this was then transferred to Mr Jones sometime in February 2011. Since the transfer in 2011 of the business to Well Adjusted Health run by Mr Jones, the lease agreements have been agreed between Ashington Community Centre Trust and Mr Jones. HDC Revenues also confirmed that the property has been registered for non-domestic rates since 2010 and has been fully occupied since. It has been demonstrated from the evidence provided that the chiropractor business has continuously operated from The Sports Pavilion, for a period in excess of 10 years, from at least 2012.

It is considered that the evidence submitted is sufficiently precise and unambiguous to demonstrate that on the balance of probability that the community facility, known as The Sports Pavilion, has been in continuous use as a chiropractor (Use Class E) for a period in excess of ten years. A Certificate of Lawful Development Existing can be approved on this basis.

Recommendation: Application Permitted

1. It has been demonstrated, on the balance of probability, that the building (shown outlined in red on the plan below) has been in continuous use as a chiropractor (Use Class E(e)) for a period in excess of ten years.

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.

Plans list for: DC/26/1309
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		NONE	13.08.2026

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 03.11.2026

Authorising Officer sign/initial RHERMITAGE Date: 03.11.2026

PLAN

