Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/1206
17 Agate Lane, Horsham, West Sussex, RH12 4BE

DESCRIPTION:
Use of property as a single dwellinghouse (Use Class C3) (Lawful Development Certificate - Proposed).

RELEVANT PLANNING HISTORY:

DC/24/0756	Use of dwellinghouse as a children's home to accommodate 1 child with a 24/7 care team of 3 (Certificate of Lawful Development Proposed)	Application Permitted on 30.07.2024

SITE LOCATION & APPLICATION DESCRIPTION

The application site comprises a residential property of 17 Agate Lane, Horsham, situated within the Built-Up Area Boundary of Horsham. The site is not within a conservation area and there are no Article 4 Directions or applicable Enforcement Notices covering the site.

PLANNING ASSESSMENT

The main consideration is whether the proposed use would represent a material change of use constituting development as defined within Section 55 of the Town and Country Planning Act 1990. Section 55(1) of the Act states that:

"Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land."

Section 55(2) of the Act furthers that certain operations or uses of land shall not be taken for the purposes of the Act to involve the development of land. This includes:

(a) the carrying out for the maintenance, improvement or other alteration of any building of works which –
(i) affect only the interior of the building, or
(ii) do not materially affect the external appearance of the building,
and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;
…

(f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.

Accordingly, Section 55(2) of the Act states that the use of buildings or other land for any other purpose within the same class does not constitute 'development'. The Planning assessment in the case of this application will be to establish, as a matter of fact and degree, whether the proposed use of the building as a single dwellinghouse, would constitute a material change of use.

Whether a particular building is a dwellinghouse will depend on the facts of the case. The criteria for determining whether the use of particular premises should be classified within the C use class include both the manner of the use and the physical condition of the premises. Premises can properly be regarded as being used as a single dwellinghouse where they are:

- A single self-contained unit of occupation which can be regarded as being a separate 'planning unit' distinct from any other part of the building containing them;
- Designed or adapted for residential purposes containing the normal facilities for cooking, eating and sleeping associated with use as a dwellinghouse.

Within the previous application (reference DC/24/0756), the Council concluded that the property was lawfully in use as a single dwellinghouse within Use Class C3(a) of the Town and Country Planning (Use Classes) Order 1987 (as amended). The assessment further determined that the proposed use of the property as a children's home accommodating one child with 24-hour care provision of 3 staff, would continue to fall within Use Class C3(b), as the household structure and level of care were consistent with those of a single residential use. It was therefore confirmed that no material change of use would occur and that the use would not constitute "development" within the meaning of Section 55 of the Town and Country Planning Act 1990.

Whilst the applicant has provided limited details, they have stated that the C3(b) use, providing care for a child, ceased in June 2025 and that the property is to revert back to a single residential use within Class C3(a). This application therefore seeks confirmation that planning permission is not required for this change. No plans or supporting documentation have been submitted, however, the current sales particulars for the property indicate that no external or internal alterations have taken place, and that the property retains the normal facilities for cooking, eating and sleeping associated with use as a dwellinghouse.

Given that the property was previously confirmed to be in lawful C3 use, and that its temporary use as a children's home also fell within the same use class, the proposed reversion to use as a single dwellinghouse, C3(a), would represent a continuation of the existing lawful use. As such, no material change of use would occur, and the proposal would not constitute development requiring planning permission under Section 55 of the Town and Country Planning Act 1990 (as amended).

Recommendation: Application Permitted

Reason:

1 The proposed use of the property as a single dwellinghouse, would remain within the same use class as the existing lawful use of the property and would not constitute "development" as set out in Section 55 of the Town and Country Planning Act 1990 (as amended).

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/25/1206

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		NONE	18.08.2025

DELEGATED

Case Officer sign/initial Sam Nye Date: 13/10/2025

Authorising Officer sign/initial RHERMITAGE Date: 15.10.2025