



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0799

Walders, The Bothy, Polecat Lane, Copsale, West Sussex, RH13 9DJ

DESCRIPTION:

Use of existing outbuilding as a beauty business operated by resident of main dwelling (Lawful Development Certificate - Proposed).

RELEVANT PLANNING HISTORY:

SQ/93/03 Renovation/Alteration of Building and Use of Annexe to Main House

Application Permitted
29.08.2003

PLANNING ASSESSMENT

The main consideration is whether the proposed use would represent development which would fall within the definition of 'development' as set out in Section 55 of the Town and Country Planning Act 1990 (as amended).

Section 55(1) of the Town and Country Planning Act (as amended) defines development as "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(1A) of the Act continues that "for the purposes of this Act "building operations" includes –

- (a) demolition of buildings,
- (b) rebuilding,
- (c) structural alterations of or additions to buildings, and
- (d) other operations normally undertaken by a person carrying on business as a builder."

Section 55(2) of the TCPA (as amended) outlines the operations or uses of land that shall not be taken for the purposes of the Act to involve development of the land. This includes at (a) the carrying out for the maintenance, improvement or other alteration of any building of works which: affect only the interior of the building, or do not materially affect the external appearance of the building.

The Government's online publication Planning practice guidance poses the question "Do I need planning permission to home work or run a business from home?" and advises as follows (see Paragraph 014, Reference ID:13-014-20140306): -

"Planning permission will not normally be required to home work or run a business from home, provided that a dwelling house remains a private residence first and business second (or in planning terms, provided that a business does not result in a material change of use of a property so that it is no longer a single dwelling house). A local planning authority is responsible for deciding whether planning permission is required and will determine this on the basis of individual facts. Issues which they may consider include whether home working or a business leads to notable increases in traffic, disturbance to neighbours, abnormal noise or smells or the need for any major structural changes or major renovations."

The application seeks to confirm that the proposed use of an existing outbuilding as a beauty business operated by the resident of the main dwelling would not constitute development and therefore not require planning permission. The use of the building as an annexe was permitted in 2003 as part of planning application SQ/93/03. As part of this permission, Condition 3 restricted the accommodation to be occupied solely for purposes incidental to the occupation and enjoyment of the main dwellinghouse and not as a separate unit of accommodation. The condition states:

- 3 *The accommodation hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of the dwelling indicated on the approved plans as Stakers Farm, Stakers Lane Southwater as a dwelling and shall not be used as a separate unit of accommodation.*

Reason: The site is located within a rural area where it is the policy of the Local Planning Authority to strictly control the formation of additional independent units of residential accommodation.

This permission establishes that the building is incidental to and is used in connection with the main dwellinghouse. The condition does not restrict the building for being used for incidental commercial purposes.

The proposed plans submitted indicate that there would be no external changes to the outbuilding and there are no alterations needed to accommodate the proposed use. The application form states that there would be 3-5 clients per day, visiting on a one-by-one basis, with a minimum of 15-minute gap between scheduled appointments. The business would be operated by a resident of the main dwellinghouse and would therefore remain in connection to the main dwelling. Parking can be accommodated off-street, along the 0.5-mile private driveway and within the curtilage of the existing site, to not have any impact on the public highway. There are no immediate neighbours, so it is considered that there would be minimal risk of noise and disturbance through the use of the building as a beauty business.

It is considered based on the information provided that the outbuilding will remain incidental to the main dwelling and therefore remain in accordance with Condition 3 of SQ/93/03 which requires the outbuilding to be occupied for purposes incidental to the occupation and enjoyment of the main dwelling. It is further considered that the increased activities to and from the outbuilding will not be of a level nor frequency that would be unusual for a residential area, considering the outbuilding was previously a studio apartment. The proposed use is considered to be modest in scale and would likely result in an activity that would be subordinate to the primary use of the property as a residential dwelling. It is not considered that the proposal would generate visitors, traffic movements, or noise beyond that anticipated within a residential area, and it is not considered that the resulting activity would go beyond what might be expected in association with a single dwelling.

The proposed use would not materially alter the building, and the small scale nature and limited visitor numbers would not increase the use over and above purposes incidental to the occupation of the main dwelling. For these reasons, it is considered that the proposed use would amount to 'working from home' and would not result in a material change of use that would require the benefit of planning permission.

If, however, there are any changes and the number of customers increases or the use is no longer incidental to the residential use of the main dwellinghouse, planning permission may be required.

For the above reasons, based upon the information provided, the proposed use would remain compliant with condition 3 of SQ/93/03 and would not be considered to represent a material change of use as defined by Section 55 of the Town and Country Planning Act 1990 (as amended). For these reasons, the Certificate of Lawful Development Proposed is recommended for approval.

Recommendation: Application Permitted

Reason:

- 1 The proposed use of the building (as outlined red in on the attached plan) as a beauty business, operated as incidental to the residential occupation of the residential dwelling known as Polecat Manor, Polecat Lane, Copsale, would not represent development as defined by Section 55 of the Town and Country Planning Act 1990 (as amended) and the building would remain solely in use for purposes incidental to the occupation and enjoyment of the dwelling as per Condition 3 of planning permission reference SQ/93/03.

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/26/0799

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents approved:

Plan Type	Description	Drawing Number	Received Date
Location plan		NONE	15.05.2026
Block plan		01068166-E0002B.	15.06.2026

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 22.07.2026

Authorising Officer sign/initial Tamara Dale Date: 30.07.2026

PLAN

