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Ref: P-035c
07 February 2025

Planning Department
Horsham District Council
Parkside
Chart Way
Horsham
West Sussex
RH12 1RL

Class R Change of Use Notification

Dear Sir/Madam,

Applicant: **Mr Andy Allan**
Site: **Spring Garden Nursery Washington West Sussex RH20 3BS**
Description: **Notification of Change of Use of an Agricultural Building, not exceeding 150sqm in floor area, to flexible commercial use under Schedule 2, Part 3, Class R of the General Permitted Development Order (GPDO) (2015), as amended.**

Please accept this letter as formal notification of the applicant's intention, under R.3(1)(a) of Class R of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), to use less than 150sqm of the building shown edged red on the attached plan for a flexible commercial use, as detailed at Class R. The change of use is intended to take place on the 14 February 2025. The nature of the initial use would be as a personal gym under Use Class E.

For the avoidance of doubt, the submission of this application serves as formal notice to the Council of the change of use, and does not seek the Council's Prior Approval.

Statutory Instruments

The proposed change of use shall be considered against the criteria under Class R, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Class R allows for development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a number of flexible uses –

(a) falling within one of the following provisions of the Use Classes Order—
- (i) Class B2 (general industrial) of Schedule 1;
- (ii) Class B8 (storage or distribution) of Schedule 1;
- (iii) Class C1 (hotels) of Schedule 1;
- (iv) Class E (commercial, business or service) of Schedule 2; or
- (v) Class F.2(c) (outdoor sport or recreation) of Schedule 2; or

(b) for the provision of agricultural training.

As part of the assessment, development is not permitted where the following applies:

R.1 – Development is not permitted by Class R if—
(a) the building was not used solely for an agricultural use as part of an established agricultural unit—

(i) on 3rd July 2012;
(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use, or
(iii) in the case of a building which was brought into use after 3rd July 2012, for a period of at least 10 years before the date development under Class R begins;

(b) the cumulative floor space of buildings which have changed use under Class R within an established agricultural unit exceeds 1,000 square metres;

(c) the site is, or forms part of, a military explosives storage area;

(d) the site is, or forms part of, a safety hazard area; or

(e) the building is a listed building or a scheduled monument.

It is confirmed that the building was in agricultural use on and before 3rd July 2012. The change of use will not trigger any of the above criteria and is deemed to be in full accordance with the conditions associated with Class R. The most relevant aspects of Class R conditions are addressed in the following section of this statement.

Under the provisions of part R.3(1) of Class R it is confirmed that prior approval is not required where the building changing use does not exceed 150sqm. Where buildings do not exceed 150sqm, the following information is required to be given to the local planning authority:

i) The date the site will begin to be used for any of the flexible uses;
ii) The nature of the use or uses; and
iii) A plan indicating the site and which buildings have changed use.

Article 2 confirms that the definition of a building “includes any part of a building” and therefore the permitted development right can apply to part of a building, as is the case in this instance, where part of the agricultural building would be subject to the change of use.

It is noted that the section of the building which will be changing use has been confirmed as being in an agricultural use under application reference DC/24/1194, in February 2025. The agricultural use of this section of the building commenced in 2002 following the erection of the building, and has continued from that date to the present day.

It is intended for this section of the building to be used to provide a personal gym (Use Class E) and would be suited to this use given its overall size and configuration.

The floorspace within the building changing use amounts to an area of approximately 108sqm and so this area falls comfortably within the Class R (R.3 – (1)(a)) notice requirements. The interpretation of Class R clearly states that “flexible use” means use of any building or land for a use falling within the list of uses set out in Class R.

The proposed change of use will meet the conditions of R.3 (1)(a) as follows:

i) The change of use is intended to take place on 14 February 2025;
ii) The nature of the use will be for a 'personal gym' (Use Class E);
iii) This application is accompanied by a location plan indicating the section of the building changing use.

It is not for the Council to consider this as an application for prior approval as the floorspace is under 150sqm and this letter / statement should be considered as a notice to the authority of the change of use. It would be expected for the authority to issue a letter as acknowledgement that the notice was made in order to provide a record of the change of use.

It can be concluded that the use would meet all of the applicable criteria within Class R and make good use of a building. This notice is confirmation that the applicant is acting in line with the legislation and that prior approval is not required on the basis of the information provided. There have been no other changes of use at the property under Class R and permitted development rights have not been removed by condition.

For the avoidance of doubt, in view of the current water neutrality issues under consideration in this general area and matters that arise therefrom, the proposed personal gym use will not involve the use of mains water or any other water provision and there will be no incidental or other uses that require such in the premises. No shower or toilet facilities will be provided, with the gym facility solely used for private gym classes, with customers arriving for their class, then leaving once finished.

Yours Faithfully

Mr Oguzhan Denizer BA (Hons), MSc, LMRTPI
MME Planning Services