



Horsham
District
Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0713

Park Farm House, Pondtail Drive, Horsham, West Sussex, RH12 5HY

DESCRIPTION:

Lawful development certificate to confirm that use of an existing conservatory for massage treatment for up to 3 customers a day would not constitute development (Lawful Development Certificate - Proposed).

RELEVANT PLANNING HISTORY:

None directly relevant to this application.

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.

The plans submitted indicate that there would be no external changes to the conservatory and there are no alterations needed to accommodate the proposed use.

The key issue in the determination of this certificate is therefore whether use of an existing room within the dwelling (a rear conservatory) in the manner described would constitute a material change of use.

The Planning Practice Guidance states that: -

Planning permission will not normally be required to home work or run a business from home, provided that home working or a business use is incidental to the use as a dwellinghouse. The local planning authority must consider whether any purposes to which it is put are reasonably incidental to its use as a dwellinghouse. Where such uses result in a material change of use of a dwellinghouse, planning permission will be required. Whether a material change of use has taken place, or will take place, is a matter of fact and degree and this will be determined on the individual merits of a case.

When determining whether a material change of use has occurred, or will occur, a local planning authority must consider whether home working or a business has led, or will lead, to a notable change in the character of the property's use. Environmental impacts may be used to indicate a notable change of character of the property, for example: increase in traffic and parking, disturbance to neighbours caused by regular or the number or timing of, visitors or deliveries, abnormal noise or smells, or the need for any major structural changes or major renovations.

The submissions states that there would be 3 visits a day by members of the public with parking accommodated off-street on an existing driveway. The intended hours of use would be 09:00 to 18:00 Monday to Friday, 09:00 to 15:00 on Saturdays and not at all on Sundays or Bank Holidays. The use would be carried out by a resident of the dwelling with deliveries of supplies likely to take place once a month.

The additional activity associated with up to 3 visits each day Monday to Saturday would change the character of the property's use, and no impacts associated with traffic / parking or other potential disturbance(s) would be expected. It is therefore considered that use in the manner described within a single rear room would be incidental to the use of the building as a dwellinghouse.

For the above reasons, the proposed use is not considered to represent development as defined by Section 55 of the Town and Country Planning Act 1990 (as amended) and the use of the building would remain in residential use (Class C3). For these reasons, the Certificate of Lawful Development Proposed is recommended for approval.

A note to applicant is recommended, advising that any incremental change to the number of customers or the related working hours may lead to a material change of use for which planning permission would be required.

Recommendation: Application Permitted

Conditions:

1. The proposed use in the manner described would be incidental to use of the building as a dwellinghouse. The use would not therefore constitute development as defined by Section 55 of the Town and Country Planning Act 1990, as amended.

NOTE TO APPLICANT

The applicant is advised that any future intensification of the use beyond that specified as part of this lawful development certificate may lead to a material change of use for which planning permission would be required.

Plans list for: DC/25/0713

(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
Floor plan		1458.F05A	30.04.2025
Elevation plan	Existing and Proposed East	NONE	11.06.2025
Floor plan	Existing and Proposed Ground	NONE	11.06.2025
Elevation plan	Existing and Proposed South	NONE	11.06.2025
Elevation plan	Existing and Proposed North	NONE	11.06.2025
Location & Block plan		NONE	11.06.2025
Elevation plan	Existing and Proposed West	NONE	11.06.2025

DELEGATED

Authorising Officer sign/initial _____ Date: _____
Guy Everest 07.09.2026