ASHINGTON PARISH COUNCIL

CONSULTATION COMMENTS

TO:	Horsham District Council – Planning Department
SITE ADDRESS:	The Sports Pavilion, Well Adjusted Health, Church Lane, Ashington, West Sussex, RH20 3JY
PROPOSAL:	Application to confirm the continuous use of the community facility as a chiropractors (use Class E) (Lawful Development Certificate – Existing).
REFERENCE:	DC/26/1309
RECOMMENDATION:	**NO OBJECTION – subject to recommendations**
SUMMARY OF COMMENTS & RECOMMENDATION: Please find below, a consultation response from Ashington Parish Council following discussion of the application at the Ashington Parish Council Planning Committee meeting on 21st October 2026.	
ANY RECOMMENDED CONDITIONS: N/A	
NAME:	Lee English, Clerk to Ashington Parish Council
DATE:	2nd November 2026

Ashington Parish Council
Clerk to the Parish Council: Lee English
Telephone: 07851 009655
Email: clerk@ashingtonpc.org.uk
www.ashingtonpc.org.uk

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

2nd November 2026

Submitted by email to planning@horsham.gov.uk

PLANNING APPLICATION DC/26/1309 - NO OBJECTION

The Sports Pavilion, Well Adjusted Health, Church Lane, Ashington, RH20 3JY

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

Dear Planning Officer,

Ashington Parish Council raises no objection to a certificate confined to the established use of the identified premises as a chiropractic practice within Use Class E, provided Horsham District Council is satisfied that the statutory test is met. The Parish Council does not, however, accept that the historic NHS lease or occupation itself established a material change of use or displaced the site's historic baseline as a community facility.

Evidence of chiropractic use

Based on its local knowledge and the material it has reviewed, the Parish Council accepts that a chiropractic practice has operated from the premises continuously for more than ten years and that Well Adjusted Health has occupied the premises for well over ten years. That evidence is capable of supporting a certificate for the actual chiropractic use if Horsham District Council is satisfied, on the balance of probability, that the use has subsisted without significant interruption for the requisite period.

This acceptance is limited to the factual continuity of the chiropractic practice. It should not be read as endorsing every part of the applicant's account of the earlier planning history. The public planning register currently contains the application form, location plan and CIL information form; it does not display the leases referred to in the application form. The District Council should therefore base its findings on the evidence actually available to it, including any evidence that is not published for data-protection reasons.

Historic baseline and the NHS lease

The application refers to a lease to Horsham and Chanctonbury Primary Care Trust from June 2005 and describes earlier use as a surgery. A lease regulates occupation and contractual rights; it is not a planning permission and does not, by itself, bring about a material change of use. The relevant questions are what use was actually carried on, whether that use was materially different from the previous lawful use, and when any material change occurred.

At the relevant time, former Use Class D1 included both the provision of medical or health services and use as a public hall. A movement between purposes within the same use class was not development. This does not determine the precise historic use of the building, but it shows why the existence of an NHS lease or a health-related occupier cannot, without more information, establish a material planning change.

For plan monitoring and policy purposes, the historic baseline should continue to be recorded as a community facility within the Sports Pavilion and Ashington Community Cluster.

If a certificate is granted, it will establish the lawful state of affairs at the date of the application. It should not be treated as a retrospective planning-merits approval, nor as a conclusive determination that the community-facility baseline ended when the NHS lease began.

Scope and wording of any certificate

If the legal test is satisfied, the Parish Council asks that the certificate:

- identifies precisely the building and land to which it relates, by reference to the application plan;
- describes the lawful use as the existing chiropractic practice or medical and health services use within Class E, rather than as an unrestricted commercial use;
- records only the use proved on the balance of probability, including any relevant limitations shown by the evidence about the planning unit, scale, intensity, hours or mixed and ancillary activities;
- does not extend to other buildings or land within the wider community-facility estate; and
- does not state or imply that the NHS lease itself effected a material change of use or fixed the date on which the historic community use ended.

The certificate must be sufficiently precise to avoid uncertainty in any later assessment of intensification or further change. These points concern the description and evidential basis of the certificate; they are not requests to impose planning conditions on a lawful development certificate.

Conclusion

The Parish Council therefore has no objection to a narrowly and accurately worded certificate confirming the established chiropractic use. Its support is based on the evidence of actual use for more than ten years, not on an acceptance that the earlier NHS lease or occupation itself constituted a change of use. The site's historic community-facility baseline should remain clear in the District Council's records and in the monitoring of the Ashington Neighbourhood Plan.

Yours faithfully,

Lee English

Clerk to Ashington Parish Council

Relevant planning basis

Town and Country Planning Act 1990 section 55

Town and Country Planning Act 1990 section 191

Planning Practice Guidance on lawful development certificates

Town and Country Planning Use Classes Order 1987 former Class D1 and article 3

Ashington Neighbourhood Plan 2019 to 2031