
Site Address: Unit 2-3, Dakota Business Park, 14 Downley Road, Havant,
PO9 2NJ

Proposal: Application for Lawful Development Certificate for a proposed use or
development relating to change of use class from E(g) to E(d) for use as a gymnastics
club.

Application Type: Certificate of Lawfulness

Application No: APP/24/00314 Expiry Date: 19/06/2024

Applicant: Miss Palmer
Solent Gymnastics Club
Limited

Agent: Case Officer: Denise Sheath

Ward: Bondfields - Expired

Recommendation: **GRANT A CERTIFICATE OF LAWFUL USE**

1 Site Description

Unit 2-3, Dakota Business Park, 14 Downley Road, Havant, PO9 2NJ

2 Planning History

07/71302/002 - Construction of an Industrial unit for Class B1 (C), Class B2 and
Class B8 uses, with ancillary office use, landscaping and parking. - Permit 13 August
2007

3 Proposal

Application for Lawful Development Certificate for a proposed use or development
relating to change of use class from E(g) to E(d) for use as a gymnastics club.

4 Policy Considerations

Not relevant to Certificate of Lawfulness Applications.

5 Statutory and Non Statutory Consultations

Not relevant to this application.

6 Community Involvement

Not relevant to this application.

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the
main issues arising from this application are:

(i) Principle of development

7.2 The proposal has been assessed against the allowances in the The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

7.3 Under The Use Classes Order 1987 (as amended) the proposed development meets the following tests:

Class E. Commercial, Business and Service Use, or part use, for all or any of the following purposes—

- (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,
- (b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,
- (c) for the provision of the following kinds of services principally to visiting members of the public—
 - (i) financial services,
 - (ii) professional services (other than health or medical services), or
 - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,
- (d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,
- (e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,
- (f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,
- (g) for—
 - (i) an office to carry out any operational or administrative functions,
 - (ii) the research and development of products or processes, or
 - (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

7.4 Research into the planning history of the premises has shown that the units at Dakota Business Park have Class B1c, B2 and B8 Uses as per planning approval 07/71302/002.

Class Use B2 and B8 remain the same use classes within the amended Use Class Order but Class Use B1c is now Class Use E (g).

The proposed Class use as a gymnastic club would fall now within Class Use E (d). Therefore, as Planning Approval 07/71302/002 does not appear to have any restrictions on particular proportions of each class use allowed and the use classes are not specified for particular buildings the Class Use could change from E (g) to E(d) without planning permission.

8 Conclusion

8.1 The proposed development for the proposed change of use from retail Class E (A) to indoor sport fitness (gym) Class E (D) falls within the regulations as set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Therefore, a Lawful Development Certificate can be issued.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/24/00314

FIRST SCHEDULE:

This certificate relates to the following development:

Application for Lawful Development Certificate for a proposed use or development relating to change of use class from E(g) to E(d) for use as a gymnastics club, as described in the written particulars, plans and other documents submitted with your application received on 16 April 2024.

SECOND SCHEDULE:

This certificate relates to land at Unit 2-3, Dakota Business Park, 14 Downley Road, Havant, PO9 2NJ as shown edged red on the submitted Location Plan received 16 April 2024.

OTHER IMPORTANT INFORMATION:

- (1) This Certificate is issued solely for the purpose of Sections 192 of the Town and Country Planning Act 1990 (as amended). It does not relate to any other application that may be required under any other part of the Town and Country Planning Act, the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) It certifies that the development specified in the First Schedule taking place on land described in the Second Schedule would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) on the specified date and thus would not have been liable to enforcement action under part 7 of the 1990 Act on that date.
- (3) The certificate only applies to the extent of the development specified in the First Schedule taking place on land described in the Second Schedule and identified on the attached plan. Any development which is materially different from that described or which relates to other land may render the owner/occupier liable to enforcement action under section 172 of the 1990 Act.
- (4) The effect of the certificate is also qualified by the provision in section 192(4) of the 1990 Act (as amended), which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matter relevant to determining such lawfulness.

(5)

Your attention is drawn to the attached information regarding your right to appeal to the Department for Transport Local Government and the Regions, if you are aggrieved by the Council's decision.