

# DELEGATED OFFICER REPORT

**APPLICATION REFERENCE:** APP/25/00930

**APPLICATION TYPE:** Certificate of Proposed Lawful Use

**PROPOSAL:** Lawful Development Certificate for proposed Change of Use from Charity Shop to Nail Salon under Use Class E

**SITE ADDRESS:** 25 West Street, Havant, PO9 1ER

**AGENT DETAILS:** Mr. Kerr

**APPLICANT DETAILS:** Mr Tien Vo

**CASE OFFICER:** Denise Sheath

**TARGET DATE FOR DECISION:** 05 January 2026

**Extension of Time Decision Date:** 23 January 2026

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

---

## 1 **Site Description**

25 West Street, Havant, PO9 1ER

## 2 **Planning History**

HWU\_5201 – The use of Nos. 21, 23, 25, 27 West Street Havant for the erection of a maximum of 4 shops with accommodation over - Permit - 10 March 1958

HWU\_5201/1 – The erection of 4 shops with storeroom over Nos. 23-27 West Steet Havant - Permit - 10 October 1958

32229/1 – Change of use at ground and first floors from Hairdressers to Class II office use – Refused – 29 June 1987

## 3 **Proposal**

Lawful Development Certificate for proposed Change of Use from Charity Shop to Nail Salon under Use Class E

## 4 **Policy Considerations**

- 4.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 4.2 Schedule 2 Part A of the Town and Country Planning (Use Classes) Order 1987 (the Use Class Order) as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020).

## 5 **Statutory and Non Statutory Consultations**

Not required

## 6 **Community Involvement**

Not required for a Certificate of Lawful Proposed Use or Development.

## 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 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and Schedule 2 Part A of the Town and Country Planning (Use Classes) Order 1987 (the Use Class Order) as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020).
- 7.3 Under Schedule 2 Part A of the Town and Country Planning (Use Classes) Order 1987 (the Use Classes Order) as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) the applicant argues that the proposed use falls within the following Use Class which is the same as the former charity shop use:

*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 As the Local Planning Authority, officers concur with the opinion that the proposed Nail Salon use would fall within Class E because it provides a 'service to visiting members of the public'. Given the immediate site context, which is overtly commercial, the Nail Salon would also meet the description in Class E of a 'service which it is appropriate to provide in a commercial, business or service locality'.

- 7.5 The planning history indicates that 25 West Street, Havant has accommodated various retail uses, including a hairdresser and a charity shop, both previously classified under Class A1. Following amendments to the Use Classes Order, Class A1 now falls within Class E, which also encompasses the proposed nail salon use.

## **8 Conclusion**

- 8.1 The proposed use as a Nail Salon falls within the same Use Class as the former charity shop use – both falling within Class E Commercial, Business and Service (Class E) of Schedule 2 Part A of the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. Therefore, a Lawful Development Certificate can be issued.

## **9 RECOMMENDATION:**

That the Development Manager be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/25/00930 for the following reason:

The proposed use as a Nail Salon falls within the same Use Class as the former charity shop use – both falling within Class E Commercial, Business and Service (Class E) of Schedule 2 Part A of the Town and Country Planning (Use Classes) Order 1987 as amended by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. Therefore, a Lawful Development Certificate can be issued.

---

### **FIRST SCHEDULE:**

This certificate relates to the following development:

Application for Certificate of Lawfulness relating to the proposed change of use from Charity Shop to Nail Salon under Use Class E. As described in the written particulars, plans and other documents submitted with your application received on 10 November 2025.

### **SECOND SCHEDULE:**

This certificate relates to land at 25 West Street, Havant, PO9 1ER as shown edged red on the submitted Location Plan received 10 November 2025.

---

### **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.