WORTHING BOROUGH COUNCIL

Ms Nicki Miller-Wood
Elevation Wellness
12 Sompting Avenue
Worthing
West Sussex
BN14 8HN

CERTIFICATE OF PROPOSED LAWFUL USE OR DEVELOPMENT

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)(ENGLAND) ORDER 2015; article 39

Application Number: AWDM/1191/23

The Worthing Borough Council; hereby certify that on 29/08/2023 (reference AWDM/1191/23), the matter described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged red on the plan submitted with this application, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:-

01. It has been accepted on the balance of probability that the use of the rear ground floor conservatory at 12 Sompting Avenue as a wellness workspace for massage and therapy is ancillary to the use of the property as a dwelling under Class C3 of The Use Classes Order 1987 as Amended 1990.

This certificate relates only to the use of the rear conservatory at 12 Sompting Avenue as identified and detailed on the revised floor plan and supporting statement received 17/10/23 and in the applicant's email dated 2/10/23 and the precise use referred to below:

The wellness workspace would be confined to the rear conservatory. The room has a floorspace of approximately 13 square metres and windows on 5 angled sides. The room would contain a massage bench, bench accessories: covers, blankets (disposable), oils and waxes, bolster and head rest, cleaning items (clinell spray, wipes, sanitizer), sofa and chairs, small lockable filing cabinet, wall clock, certificates for practising therapies on display framed, stationery (record keeping, pens etc.), ceiling fan and electric heater/radiators, curtains and blinds for room privacy.

- The business address will remain primarily a residential property with operating hours making up a maximum of 36% weekly as follows:

Mondays 1000-1400 Max. no of clients = 4
Tuesdays 1000-1400 Max. no of clients = 4
Wednesdays 1000-1400 and bi-weekly 1600-1900 Max. no of clients = 7
Thursdays bi-weekly 1600-1900 Max. no of clients = 3
TOTAL MAX CLIENTS PER WEEK AVERAGE = 15 (over 4 weeks)

- Treatments on offer (all relevant qualifications and insurance can be evidenced):
- Massage
- Manual Lymphatic Drainage
- Corrective Exercise
- Emotional Freedom Technique
- Personal Training
- Nutrition Advice
- Lifestyle Coaching

- Clients will park on the property driveway with a maximum of 2 cars relating to this at any one time.
- There will not be any external signage. Clients will enter the massage studio via the main property entrance.
- No staff other than the owner and therapist, myself, will be on the property conducting business during the proposed hours. Other residents at the home are my daughters who will be in the private areas of the property during school holidays or unplanned days off school (i.e. illness).
- A dog and two cats live at the property and will be adequately secured away from clients during business hours. All clients will be informed of this before appointment times in case of any health and safety concerns.

This decision is based on the following submitted plans/documents for avoidance of doubt.

Reference/Drawing Number	Version	Date Rec
LOCATION PLAN		29.08.2023
STATEMENT OF USE		17.10.2023
FLOORPLAN		17.10.2023

First Schedule
Application for Certificate of Lawfulness for conservatory to be used as proposed part time wellness workspace for massage and therapy

Second Schedule
12 Sompting Avenue Worthing West Sussex BN14 8HN



Gary Peck
Planning Services Manager Date: 20.10.2023

Notes

a) This certificate is issued solely for the purposes of section 192 of the Town and Country Planning Act 1990 (as amended).

b) It certifies that the matter specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful, on the specified date, and thus, would not have been liable to enforcement action under section 172 of the 1990 Act on that date.

c) This certificate applies only to the extent of the matter described in the First Schedule and the land specified in the Second Schedule and identified on plan submitted with the application. Any matter which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

d) The effect of the certificate is also qualified by the proviso 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 matters relevant to determining such lawfulness.

Ref: - AWDM/1191/23

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE)(ENGLAND) ORDER 2015; article 39

YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES FROM THE ABOVE ORDER. THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT WOULD BE WELL FOR YOU TO CONSULT YOUR SOLICITOR IF YOU ARE IN ANY DOUBT

1. If the applicant is aggrieved by the decision of your Local Planning Authority to refuse a Certificate of Lawful Use or Development, whether in whole or in part (including a case in which the Authority modify the description of the use, operations or other matter in the application or substitute an alternative description for that description), the applicant may appeal to the Secretary of State in accordance with Sections 78 of the Town and Country Planning Act 1990 within six months of the date of this notice.

2. If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
   28 days of the date of service of the enforcement notice,
   or within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier

3. Further correspondence about this application should quote the application number.

4. Where this notice conveys the granting of a certificate, please note that the decision does not purport to convey planning permission nor any consent or approval which may be required under the Public Health Acts, the Building Regulations, or any other legislation.

5. Appeals must be made on a form which is obtainable from the Planning Inspectorate at Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel 0117 372 6372) or can be downloaded from www.planning-inspectorate.gov.uk. The Secretary of State has power to allow a longer period for the giving of notice of appeal but will not normally be prepared to exercise this power unless there are special circumstances, which excuse the delay in giving notice of appeal.