Adur District Council

Planning, Regeneration and Wellbeing

Mrs Jennifer Rees
21 Grand Avenue
Lancing
West Sussex
BN15 9PX

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/1481/17

The Adur District Council hereby certify that on 09/11/2017 (reference AWDM/1481/17), 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 that on the balance of probability the use of the small first floor front bedroom of 21 Grand Avenue, Lancing as a laser beauty treatment room 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 small first floor front bedroom of 21 Grand Avenue Lancing as annotated on the submitted floorplan and the site as outlined in red in the submitted site plan and the precise use referred to below which represents the state of affairs at the date of the application:-

a) The laser beauty treatment room is confined to the small first floor front bedroom. The room has one window facing the front and is linked internally to the landing area. Access is exclusively from the front door of the house and up the stairs to the room itself. The room is square and small and the applicant states it has a floorspace of 5.5 sq metres. The room will contain a treatment couch, desk, chair and laser machine. It might be used as a family study too.

b) Hours of operation are Monday to Friday 10am to 3pm.

c) Up to 3 clients per day will be seen. One client at a time with a minimum 30 minutes between clients.

d) The services provided are limited to laser hair removal and skin rejuvenation treatments.

e) The business is run by the applicant who lives at the house and no other staff are employed. The applicant will not sub-let the space.

f) The business is by appointment only.

g) The business is not advertised at the house. Business is by word of mouth or website.

h) Clients park in the drive of the property or on street.

Cont…/

Accordingly, use of the small front first floor bedroom of 21 Grand Avenue Lancing is incidental to use of the dwellinghouse within Class C3(a) of The Town and Country Planning (Use Classes) Order 1987 (as amended).

The use is not liable to enforcement action under Section 172 of the Act. However, if any further development/intensification and change in circumstance is carried out subsequent to the issue of this certificate, it may be liable to formal enforcement action by the Local Planning Authority.

This certificate only makes lawful the uses referred to above and does not provide immunity from enforcement for any other activity.

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

Reference/Drawing Number	Version	Date Rec
EXISTING USE OF FIRST FLOOR		09.11.2017
PROPOSED USE OF FIRST FLOOR		09.11.2017
SUPPORTING DOCUMENT		09.11.2017
LOCATION PLAN		09.11.2017

First Schedule
Application form Certificate of Lawfulness for proposed change of use of first floor bedroom to laser beauty treatment room.

Second Schedule
21 Grand Avenue Lancing West Sussex BN15 9PX



Gary Peck
Planning Services Manager
Date: 13.12.2017

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/1481/17

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.