

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT

APPLICATION REFERENCE:	PL/2026/02516
APPLICATION TYPE:	Lawful development: Proposed use
SITE ADDRESS:	1 Lancaster House, Lancaster Park Industrial Estate, Lancaster Road, Bowerhill, Melksham, SN12 6TT
DEVELOPMENT DESCRIPTION:	Proposed use as a dance studio falls within Class E(d) (indoor sport, recreation or fitness). Application made to obtain formal confirmation by way of a Lawful Development Certificate.
RECOMMENDATION:	Approve

PROPOSAL

This application seeks a Certificate of Lawfulness (CLP) under Section 192 of the Town and Country Planning Act 1990 (as amended) for a proposed use as a dance studio within Class E (d) indoor sport, recreation or fitness.

The planning merits of the proposal are not under consideration. The only issue is whether the proposed change of use would constitute development requiring planning permission.

SITE CONTEXT/DESCRIPTION

The site forms part of a terrace of commercial units located within an established industrial / commercial estate in Bowerhill. Forming part of this terrace of single-storey red-brick units which together form 'Lancaster House', the site is bound as fully attached to the neighbouring unit to the north, and to the south the site is partially linked to a separate commercial unit, also single-storey in form. The building is somewhat double-fronted, with the western elevation facing the highway of Lysander Road, being set back by a small grassed frontage.

RELEVANT PLANNING HISTORY

PL/2024/09782 – Proposed Single storey extension to be used as office and/or showroom – approved 16.1.2025. The development was described as follows:

“The proposal seeks to introduce an ‘infill’ extension to the western side of the existing link between the proposal building and the linked attached unit to the south. The proposed element would joint the existing linking element at the same height (c.2.4m), but will rise towards the frontage such that it is at a height of 4.3m as it aligns with the existing main elevation. The introduced extension, which is to be used as office/showroom space with glazed and brick frontage, will measure 4.8m by 4.9m and will not attach to the neighbouring unit, leaving a small (1.2m) maintenance gap between.”

Below: Approved Block Plan



The application form for that proposal confirmed the use at the time as “light industrial and office”.

RELEVANT LEGISLATION AND POLICY

The statutory framework governing CLP's is set out in Section 192 of the Town and Country Planning Act 1990 (as amended). This section establishes that a proposed development or use is "lawful" if it would not constitute a breach of planning control. A CLP can be granted if the Local Planning Authority is satisfied, on the balance of probabilities, that the proposed development or use would not require planning permission.

REPRESENTATIONS

There is no legal obligation to consult third parties for this type of application, including Town/Parish Councils or neighbouring properties.

ASSESSMENT

The application form advises that *“the existing lawful use of the premises is considered to be workshop and office accommodation”*, which would fall within the requirements of Class E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, section (g) (i) and (iii).

The proposal seeks to assert that the use of the premises is within Class E of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

The regulation states Part A (d) that a use of Class E will incorporate a use for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public.

The proposal for use as a dance instruction studio falls within this definition and by extension within Class E. As such it is considered that the use of the premises as a dance studio would not constitute a material change of use and would not require the submission of a planning application.

The proposed development does fall within the scope of lawful proposed development, as defined under Section 192, in this instance the proposal is within the same planning unit as the established current use. No restrictions (such as Article 4 Directions or planning conditions) are in force that would affect that lawfulness of the proposed use.

The proposed development is considered lawful under Section 192 of the Town and Country Planning Act 1990 (as amended).

RECOMMENDATION

It is recommended that a Certificate of Lawfulness for Proposed Development be GRANTED for the following use/development:

Reason for approval: The proposed development is deemed lawful under Section 192 of the Town and Country Planning Act 1990 (as amended). Therefore, the proposal is in accordance with relevant statutory provisions and does not require planning permission.