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PLANNING STATEMENT

Site: Unit 4, Link 23, Haywards Heath, RH17 5JS.

Proposal: Submission of application for a certificate of proposed lawful development for confirmation that planning permission is not required to use the premises for class E(d) indoor sport/ leisure/ recreation uses.

December 2025

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1. Introduction

A certificate of lawful development is sought for confirmation that planning permission is not required to use Unit 4, Link 23, Haywards Heath, RH17 5JS for class E(d) indoor sport/leisure/ recreation uses. This Statement has been prepared to support the application.

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2, The Application Proposal

A certificate of lawful development/use is sought for confirmation that planning permission is not required to use Unit 4, Link 23, Haywards Heath, RH17 5JS for class E(d) indoor sport/ leisure/ recreation uses.

The application submission includes the following plans/documents:

- This supporting planning statement;
- existing floor plans;
- existing elevations; and
- site plan

The application relates to Unit 4 (only) as shown on the site location plan.

Following the grant of planning permission and completion of works, Maker & Son Limited occupied the unit. The company operated a Class B8 (storage and distribution) use in accordance with the planning permissions granted (application refs: DM/19/0597 and DM/16/4657). The company vacated the premises in January 2023 and the building remained unoccupied until 14th January 2024 when the Padel Hub moved in.

The current use of the building is Class E(d) indoor padel centre with the following opening times: 7am – 11pm Monday to Friday, 8am – 10pm Saturday, 9am – 10pm Sunday.

No external alterations have been made to the building to facilitate the ClassE(d) use. The proposal involved minor internal alterations only, which included the installation of padel courts within the unit. Such internal works do not fall within the meaning of development as set out in Section 55 of the Town and Country Planning Act 1990.

3. Relevant Planning History

The unit is currently occupied by the Padel Hub and indoor padel centre which falls within use class E(d) indoor sport/ leisure/ recreation uses. The Padel Hub commenced operations in January 2024.

Outline planning application was approved 17/02/2017 under planning reference DM/16/4657. The outline consent was for the demolition of the existing garden centre buildings, former residential unit and dog day care centre, associated structures and hardstanding; and the erection of two industrial units accommodating 7,800sqm of floorspace for Class B1 (b) / B1 (c) /B8 use at Handcross Garden Centre, London Road, Handcross.

Matters for consideration at the outline stage related to access and scale with all other matters (appearance, landscaping and layout) reserved at this stage.

Prior approval was granted 20/12/2017 under reference DM/17/5008 for the demolition of all buildings on the site to allow for site clearance ahead of redevelopment.

Reserved matters was granted 26/09/2018 under reference DM/18/0938 in respect of outline planning permission DM/16/4657 for the approval of the appearance, landscaping and layout for the erection of two industrial units accommodating 7,800sqm of floorspace for Class B1(b)/B1(c)/B8 use including the erection of a 3.5metre high acoustic fence. (Amended description / details submitted 7/8/18).

A discharge of conditions application was approved 01/10/2018 under reference DM/18/1180 which relates to the discharge of planning condition numbers 4, 6, 7, 8, 9, 10, 13 and 14 relating to planning application DM/16/4657.

A non-material amendment was approved 27/12/2018 under reference DM/18/5011 in respect of planning application DM/18/0938 to amend the approved car parking layout. New site plan and swept path analysis plans submitted (NMA P400 Rev B, ADC1712/003 P3, ADC1712/004 P2 and ADC1712/005 P3).

DM/19/0597: Reserved Matters application in respect of outline planning permission DM/16/4657 for the approval of the appearance, landscaping and layout for the erection of two industrial units accommodating 7,800sqm of floorspace for Class B1(b)/B1(c)/B8 use including the erection of a 3.5metre high acoustic fence. (This scheme is identical to that of the previous submission DM/18/0938 in terms of floorspace applied for, however, the building heights of units 2, 3 and 4 have increased from 8m to 10m from ground level to the ridge. Unit 1 is remaining the same height).
Approved 30 April 2019. Permission implemented.

4. Legislative Background / The Applicants case.

A certificate of lawful development is sought for confirmation that planning permission is not required to use Unit 4, Link 23, Haywards Heath, RH17 5JS for class E(d) indoor sport/leisure/ recreation uses.

The unit benefits from the following implemented planning permissions:

DM/16/4657: Outline planning application for the demolition of the existing garden centre buildings, former residential unit and dog day care centre, associated structures and hardstanding; and the erection of two industrial units accommodating 7,800sqm of floorspace for Class B1(b) /B1(c)/B8 use at Handcross Garden Centre, London Road, Handcross. Approved 17/02/2017.

DM/19/0597: Reserved Matters application in respect of outline planning permission DM/16/4657 for the approval of the appearance, landscaping and layout for the erection of two industrial units accommodating 7,800sqm of floorspace for Class B1(b)/B1(c)/B8 use including the erection of a 3.5metre high acoustic fence. (This scheme is identical to that of the previous submission DM/18/0938 in terms of floorspace applied for, however, the building heights of units 2, 3 and 4 have increased from 8m to 10m from ground level to the ridge. Unit 1 is remaining the same height). Approved 30 April 2019.

The government introduced the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 on 1 September 2020. This amended the Town and Country Planning (Use Classes) Order 1987 and included, amongst other things, the revocation of Use Class B1 (a), (b) and (c) (which are approved uses at the application site) and the introduction of Use Class E. Use Class E now includes previous Use Classes B1, along with other uses.

The Class B1 (b) and (c) uses permitted within the commercial unit on the site would now fall within use Class E. The unit is now in use for purposes within Class E (d) indoor sport/leisure/ recreation uses.

The use of the unit for any use within Use Class E (Commercial Business and Service) would be lawful and would not constitute development that requires planning permission. Section 55 (2)(f) of the Town and Country Planning Act 1990 confirms that changing between uses within the same Use Class is not development:

"(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

... (f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class."

The ability to change between uses within the same Use Class is subject to there being no planning conditions attached the operative permission that would prohibit this. We are not aware of any such conditions attached to the operative permissions at the application site.

No external alterations have occurred to facilitate the change of use, only minor internal alterations have occurred to facilitate the Class E(d) use.

Section 55 (2) (a) of The Town and Country Planning Act 1990 states:

‘(2)The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—

(a)the carrying out for the maintenance, improvement or other alteration of any building of works which—

(i)affect only the interior of the building, or

(ii)do not materially affect the external appearance of the building’

In view of the above, we are of the opinion, to use the unit for a purpose within Use Class E(d), for indoor sport/ leisure/ recreation uses as set out in this application would not require planning permission.

6. Conclusion

Unit 4 benefits from the following implemented planning permissions –

DM/19/0597: Reserved Matters application in respect of outline planning permission DM/16/4657 for the approval of the appearance, landscaping and layout for the erection of two industrial units accommodating 7,800sqm of floorspace for Class B1(b)/B1(c)/B8 use including the erection of a 3.5metre high acoustic fence. (This scheme is identical to that of the previous submission DM/18/0938 in terms of floorspace applied for, however, the building heights of units 2, 3 and 4 have increased from 8m to 10m from ground level to the ridge. Unit 1 is remaining the same height). Planning permission granted 30 April 2019.

DM/16/4657: Demolition of existing garden centre buildings, former residential unit and dog day care centre, associated structures and hardstanding. Erection of two industrial units accommodating 7,800sq.m of floorspace for Class B1(b)/B1(c)/B8 use. Planning permission granted 17 February 2017.

The Class B1 (b) and (c) uses permitted within the commercial unit on the site would now fall within use Class E by virtue of the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 on 1 September 2020.

The ability to change between uses within the same Use Class is subject to there being no planning conditions attached the operative permission that would prohibit this. We are not aware of any such conditions attached to the operative permissions at the application site.

The unit is now in use for purposes within Class E (d) indoor sport/ leisure/ recreation uses, no external works have occurred at the unit and only minor internal works have occurred to facilitate the new use. Such internal works do not fall within the meaning of development as set out in Section 55 of the Town and Country Planning Act 1990.

In view of the above, the Applicant contends that planning permission is not required to use the unit for purposes within Class E(d) as set out in the application and accordingly requests that a certificate of proposed lawful development be issued.

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