



Appeal Decision

Site visit made on 3 September 2026

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2026

Appeal Ref: APP/Z3825/C/25/3373450

Development Site Lot 3, Kent Street, Cowfold, West Sussex RH13 8BB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Simon Bishop against an enforcement notice issued by Horsham District Council.
 - The notice was issued on 17 September 2025.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of an existing building from Class B8 car storage to Class E dance studio.
 - The requirements of the notice are to:
 - (1) Permanently cease using the building shown outlined and hatched in blue on the attached plan as a dance studio.
 - The period[s] for compliance with the requirement is 3 months.
 - The appeal is proceeding on the ground set out in section 174(2)(c) of the Town and Country Planning Act 1990 (as amended).
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Decision

1. The appeal is dismissed, and the enforcement notice is upheld.

Applications for costs

2. An application for costs was made by Horsham District Council against Mr Simon Bishop. This application will be the subject of a separate Decision.

Preliminary Matters

3. I was unable to undertake an internal inspection of the appeal site as the appellant failed to attend the accompanied site visit on 3 September 2026. Accordingly, this appeal will be determined on the basis of the evidence before me, which is considered appropriate given that there is no appeal on ground (a), and I am not considering the planning merits of the development. Both parties were subsequently written to explaining this, and therefore I am satisfied that neither party would be prejudiced by this.
4. At the time of the site visit the dance studio use, the subject of this appeal has ceased. However, that use was taking place when the notice was served, and the appeal has not been withdrawn by the appellant. Therefore, this appeal has been determined based on the evidence before me.

The appeal on ground (c)

5. Ground (c) arises where an appellant seeks to argue that the matters alleged by the enforcement notice do not constitute a breach of planning control. The onus of proof lies with the appellant, the relevant test of the evidence being the balance of probability.

6. Relevant to this appeal is the outcome of a related appeal made by the same appellant under section 78 of the 1990 Act (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission. In particular, that application was for the same development alleged in the enforcement notice, notably the “change of use of existing building from car storage to dance studio” (Council ref: DC/25/0658 and Appeal ref: APP/Z3825/W/25/3369821). The appellant refers to this other appeal and states that the Council issued the Notice based on assumptions and that a decision is yet to be issued for that appeal. However, that appeal was dismissed and planning permission was refused on 27 November 2025¹, prior to the start letter of the current enforcement notice appeal (28 November 2025).
7. The concept of material change of use is not defined in statute or statutory instrument and therefore it is a question of fact and degree in each case. For there to be a material change of use, there needs to be some significant difference in the character of the activities from what has gone on previously.
8. Prior to the unauthorised change of use, the primary use taking place within the planning unit was the car storage use. The appellant confirmed that the change of use from a car storage use to a dance studio was started on 1 November 2024 and completed on 1 February 2025 within their planning application form (Council ref: DC/25/0658). As such, the appellant has accepted that a change of use has occurred and from all of the evidence before me, it is clear that the dance studio use would have substantially affected the character of the appeal site, completely separate and distinct from the former car storage use.
9. The appellant refers to the Council's reasons for taking enforcement action and has commented on each of these. However, since there is no ground (a) appeal, I cannot take into account the planning merit arguments raised by the appellant. In any case, these were considered in the related s78 appeal which was dismissed on 27 November 2025 (Appeal ref: APP/Z3825/W/25/3369821). As such, these arguments are not relevant to this ground (c) appeal.
10. I therefore conclude, as a matter of fact and degree, that a material change of use of the site had occurred from a car storage use to a dance studio. Planning permission is required for such a change of use and there is none in place. Furthermore, the change of use is not permitted development. As such, there has been a breach of planning control, and the appellant has not discharged the onus on him to demonstrate otherwise.
11. Accordingly, the appeal fails on ground (c).

Conclusion

12. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

R Satheesan

INSPECTOR

¹ Appeal ref: APP/Z3825/W/25/3369821.