

DELEGATED DECISION REPORT

SMD/2025/0464
Valid 05/11/2025

UNIT 5 FYNNEY FIELDS
BASFORD LANE
INDUSTRIAL ESTATE
LEEK

CERTIFICATE OF
LAWFULNESS FOR A
PROPOSED HEALTH AND
FITNESS GYM (CLASS E)
WITH PROJECTED HOURS OF
OPERATION BEING 6AM TO
10PM, 7 DAYS A WEEK

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

- Would the proposed change use result in development that requires planning permission?

DESCRIPTION OF SITE

A unit on an established commercial/employment site. A brick built shed last owned and occupied by Cottage Delight with food processing light industrial uses on the ground floor and associated administrative offices on the first floor. The unit is currently unoccupied and is not in use.

There is established access and hardstanding to the front of the building providing parking areas and link to the spur road.

PROPOSAL

To use the building as a health and fitness gym with predicted hours of operation being 6am to 10pm, 7 days a week.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

88/00983/OLD Site for industrial development. APPROVED.

03/00335/FUL Change of use of first floor from workshop to offices. APPROVED.

SMD/2015/0341 Retentions of Extension. APPROVED.

OFFICER COMMENTS

The building and land was last used by Cottage delight with light industrial food processing on the ground floor and associated administrative offices on first floor. The unit is currently unoccupied and is not in use.

The planning history has been reviewed. There is nothing in terms of the relevant permissions (relative to the change of use to provide offices and to retain an extension) that prohibited the use of the unit for those purposes or in any other way attempts to place limits or restrictions on the use of the unit.

Both of the building's previous uses - offices E(g)(i) and light industrial processes E(g)(iii) fall with commercial Class E of the Use Classes Order 1987 (as amended September 2020).

The application proposes to use the building as a health and fitness gym. That would be for the purposes of Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink) and therefore, would also fall within Class E of the use classes order E(d).

The proposal therefore is to use the building for a different use within the same class of the Use Classes Order. It is a specific exemption at s55(2)(f) of the Town and Country Planning Act 1990 that a change between uses that fall within the same class of an order shall not be taken to involve development for the purposes of the Act.

Planning permission is not required for the proposed use therefore, and it would be lawful.

CONCLUSION / PLANNING BALANCE

The proposed use would not involve development that requires planning permission and is lawful.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Ben Hurst

Recommendation Date: 17/12/2025

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council