WORTHING BOROUGH COUNCIL

Mr Christopher Dixon
Landmore Property Services Ltd
127 Goring Road
Worthing
BN12 4AZ
United Kingdom

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/0099/24

In pursuance of their powers under the above mentioned act the Worthing Borough Council; hereby notify you that 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, was not lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) and that they REFUSE to issue a Certificate of Proposed Lawful Use or Development under section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:-

01. It is not considered that sufficient information has been provided to satisfy the Local Planning Authority that the use and operations described in the application would be or are lawful. The proposal is therefore contrary to Section 192 of the Town and Country Planning Act which states that where such information is not provided, the Local Planning Authority will refuse the application.

02. It has not been demonstrated to the satisfaction of the Local Planning Authority that the proposal involving proposed leisure uses, and associated development, including alterations to the existing entrance are lawful. The proposed leisure related uses would involve a material change of use of the land, which was previously agricultural and the associated works would be operational development . Consequently the Local Planning Authority is satisfied that the proposal constitutes 'development' under S55 of the Town and Country Planning Act 1990 (as amended), and that it is not lawful under S192 of the Act.

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

Reference/Drawing Number	Version	Date Rec
PORTAL LOCATION PLAN	1:1250	23.01.2024
LAND REGISTRY OS PLAN	1:1250	23.01.2024
DESIGNATED PARKING	1:1250	22.02.2024

First Schedule
Application for Certificate of Lawfulness for Proposed Construction of a large sandpit for children, with a large gazebo for shade over. Installation of boundary fence. Placement of three further gazebo's around the main sandpit, selling cold and hot drinks, snacks, with additional other concessions on the site to offer food services. Installation of bin area. Installation of security CCTV to enable children to view wildlife online. Area set aside for parking. Clear rubbish, earth, roots and debris to enter land through existing established entrances. Retain existing gate posts and gates. Insert sunken posts inside the land. Place a

flowerpot boat on the edge of the land and decorate with flowers and other items. A fenced boules sand pit. A flag pole - no more than 4.6m with a flag of either country or town colours.

Second Schedule
Land South East Corner Of Amberley Drive Marine Drive Worthing West Sussex



Gary Peck
Planning Services Manager Date: 18.03.2024

Ref: - AWDM/0099/24

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 can be made online at https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of appeal form on tel: 0303 444 5000. 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.