

Our Ref: Commerce Way/CG/1
Your Ref: PP-14459849

Worthing Borough Council
Adur & Worthing Councils
Portland House
44 Richmond Road
Worthing BN11 1HS

Date: 14th November 2025

VIA EMAIL ONLY

Dear Sir/Madam,

**Application for a Lawful Development Certificate for a Proposed Use or Development
Unit 4a, Commerce Way, Lancing Business Park, Lancing, BN15 8TA**

On behalf of my client, Eltonstone Limited, I hereby submit an Application for a Lawful Development Certificate for a Proposed Use or Development in respect of the above address for the following description:

'Change of use from offices (Class E) to café/restaurant (Class E)'

This application has been submitted online via the Planning Portal (Ref: PP-14459849). The application fee is £379.00 (including £85.00 service charge) and this will be paid via the Planning Portal.

The Site

The site is located within the Lancing Business Park, on the western side of Commerce Way. It comprises a single-storey flat-roofed commercial building, which was constructed in the 1970s.

Until fairly recently, it was occupied as offices by Clarity Document Solutions (South East), a company that provides printer and photocopier sales, service and support around the South East of England.

Proposed Development

As previously stated, my client is seeking to use Unit 4a as a café/restaurant (Class E) serving food and drink for consumption on the premises.

On the basis that the lawful use of the building is offices (formerly Class B, now Class E), planning permission is not required to use it as a cafe/restaurant; it falls within the same use class, so does not comprise development. Pre-application advice (see below) has informally confirmed that this is the case.

This application for a lawful development certificate has been submitted, as suggested in the pre-application advice, in order to receive a formal determination.

Basis of Application and Legal Provision

Section 192 of the Town and Country Planning Act 1990, states that if any person wishes to ascertain whether the proposed use of a building is lawful, they may submit an application to the Local Planning Authority for a Certificate of Lawfulness of Proposed Use or Development.

In accordance with the Planning Practice Guidance (PPG) (Paragraph: 006 Ref ID: 17c-006-20140306), an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved, although a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the planning status of the land. A local planning authority is entitled to canvass evidence if it so wishes before determining an application. If a local planning authority obtains evidence, this needs to be shared with the applicant who needs to have the opportunity to comment on it and possibly produce counter-evidence.

The evidence submitted in support of this application is set out below (Planning History) and in the appendices referred to therein.

Planning History

The following is the relevant planning history in respect of Unit 4a, Commerce Way.

- L/179/77/TP/12104 – In August 1977, planning permission was granted for a new office block. Further details are provided in **Appendix A**.
- L/287/77/TP/12170 – In October 1977, planning permission was granted for a new office block. The application essentially comprised minor alterations to L/179/77/TP/12104. Further details are provided in **Appendix B**.

Pre-Application Advice

On 7th October 2025, Marius Ologu requested pre-application from Adur & Worthing Councils in respect of the proposed change of use of Unit 4a to a café/restaurant.

In Peter Barnett's emailed response, dated 14th October 2025, the following advice was provided:

Planning permission is required to change the use of Unit 4A Commerce Way to a cafe. The current use appears to be as an office and the units on the Lancing Business Park are protected for office and industrial purposes under Policy 25 of the Adur Local Plan.

The use of the unit as a cafe/restaurant would be contrary to this aim and you would need to submit a supporting statement to justify the use of the unit for non-industrial/employment purposes. Marketing evidence to demonstrate that the unit is no longer viable for employment

uses should also be submitted, and guidance on this can be found in our supplementary planning guidance:

[LINK PROVIDED]

Albion Planning was subsequently instructed to make the following response to Peter Barnett:

I've been instructed by Marius Ologu to respond to your email below regarding the change of use of Unit 4A Commerce Way to a cafe.

In your email, you conclude that planning permission is required for such a change of use, in the context of Policy 25 of the Adur Local Plan. In this regard, Policy 25 states that where planning permission is required, proposed conversions to uses other than employment (B1, B2 and B8 of the Use Classes Order) in the Lancing Business Park will be resisted.

You will of course be aware that since the Adur Local Plan was adopted in 2017, there has been a significant change to the Use Classes Order; Class E (commercial, business and service uses) was created resulting in a number of the previous use classes being combined. These use classes included Class A3 (café or restaurant) and Class B1a (office other than a use within Class A2).

As a consequence, the existing lawful office use of Unit 4A and the proposed cafe/restaurant use both fall within Class E. Accordingly, a change of use from an office to a café/restaurant does not comprise development.

I would, therefore, be grateful if you could confirm that planning permission is not required for Unit 4A Commerce Way to be used as a cafe/restaurant.

In Peter Barnett's emailed response, dated 15th October 2025, the following advice was provided:

The planning history for this property is difficult to confirm but in checking our records for the unit there are permissions which specifically restrict the use of the building subject of the application to industrial use (see attached). It is not clear, however, whether these permissions relate precisely to the unit in question as no plans are available.

I cannot say for certain, therefore, that this property benefits from rights to change between uses within Class E and I would recommend that a Certificate of Lawfulness application is submitted so that this can be assessed in more detail.

On 31st October 2025, Albion Planning sent the following email to Peter Barnett, having already provided him with a number of historic planning application files retrieved from the council's archives.

The permissions to which you referred (LPA refs: L/295/79 and L/160/86) are not applicable to Unit 4a. Both relate to the land to the rear of Unit 4a. Please see the attached site layout plans.

L/179/77

In August 1977 planning permission was granted for a 'new office block'

Please see the attached zip file, which comprises the Application Form, the Block Plan, the Floor Plans & Elevations, and the Decision Notice. As you will note, this application clearly relates to Unit 4a Commerce Way.

L/287/77

In October 1977 planning permission was granted for a 'new office block'. The application comprised minor alterations to L/179/77. It is this permission that was built out.

Please see the Google Drive link below, which comprises the Application Form, the Block Plan, the Floor Plans & Elevations, and the Decision Notice.

Evidently, these permissions demonstrate that the lawful use of Unit 4a is Class E and, as a result, it could be used as a cafe/restaurant without needing planning permission. Could you please confirm that you are in agreement and that a Certificate of Lawfulness application is not necessary?

In Peter Barnett's emailed response, dated 5th November 2025, the following advice was provided:

I've now looked through the various files and agree that the most relevant permission appears to be L/287/77, and there are no restrictive conditions on that permission. The lawful use of the building is therefore as offices (formerly Class B, now Class E) and permission would not be required to use the building as a cafe/restaurant serving food and drink for consumption on the premises. A hot food takeaway use would not be lawful within the terms of the current permission.

This is my informal view only and it is open to you to submit an application for a Certificate of Lawfulness in order to receive a formal determination.

Summary/Conclusion

In accordance with the Planning Practice Guidance (PPG):

A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is lawful. Planning merits are not relevant at any stage in this particular application or appeal process. In determining an application for a prospective development under section 192 a local planning authority needs to ask "if this proposed change of use had occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?"

Paragraph: 009 Reference ID: 17c-009-20140306

The submitted evidence demonstrates that the lawful use of the building is offices (Class E). As a result, planning permission is not required to use it as a cafe/restaurant (Class E); it falls within the same use class, so does not comprise development. Pre-application advice has informally confirmed that this is the case and that the proposed use of the property as a café/restaurant is lawful.

As a result, a lawful development certificate should be issued without delay.



I trust the above is clear, but please do not hesitate to contact me if you have any queries.

Yours faithfully,



Chris Geddes MRTPI
Founder and Principal