

Development Management – Delegated Officer Report

Application Number: AWDM/0185/26 **Recommendation:** GRANT certificate

Site: 4 High Street Worthing West Sussex BN11 1NU

Proposal: Application for Certificate of Lawfulness for Existing Use of ground floor of 4-6 High Street for Use Class E(a) retail purposes.

Date of Site Visit: NA

Neighbours Checked: NA

Additional Neighbours Notified: NA

Site and Surroundings

The site is on the eastern side of High St, within Worthing town centre. The site contains a three-storey building with a commercial use at ground floor and residential above. The site is within Steyne Gardens Conservation Area.

Proposal

The submitted application seeks a Certificate of Existing Lawful Use (CLUED) for the use of the site as retail (Use Class Ea).

The application was supported by the following:

- Witness statement from S J McCarthy
- Supporting evidence – Bathscene leases x 2, Olan Mills lease
- Jon Justice marketing details
- Jacobs Steel marketing materials
- Jacobs Steel valuation
- Cover letter

Relevant Planning History:

92/00359/EUC - APPLICATION FOR ESTABLISHED USE CERTIFICATE FOR USE OF PROPERTY AS CAR SALE SHOWROOM

STATUS: 16th July 1993.

92/00385/FULL - INSTALLATION OF A NEW SHOPFRONT (RETROSPECTIVE)

STATUS: Application Refused 29th July 1992.

Consultations

None

Neighbour Representations

NA

Planning Assessment:

The applicant seeks to establish that the use of the building as retail (Use Class Ea) is lawful in planning terms and no enforcement action may be taken on the basis that the use has become immune from such action through the passage of time.

Section 171B (1) of the Town & Country Planning Act 1990 (as amended) sets out the statutory time limits for enforcement action stating:

Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of... ten years beginning with the date on which the operations were substantially completed.

The planning history shows that in 1993 a certificate of lawful use was granted for use as a car show room. There is no more recent planning history for the site. The applicant has provided a witness statement indicating that the commercial unit at ground floor has been used as a bathroom retail shop and showroom "Bathscene" since April 2007. Two leases have been provided in support. Google street view images show that Bathscene has been on site since March 2009 (the earliest image available).

Therefore, it is considered that on the balance of probability, the unit has been in use as retail (Use Class Ea) for at least 10 years, and therefore in the absence of evidence to the contrary the Certificate should be granted.

RECCOMENDATION:

On the balance of probability, it is considered that the property has been used as a retail unit (Use Class Ea) for more than 10 years. It is therefore immune from enforcement action by the Council and lawful in planning terms.

Is recommendation contrary to letter(s) of representation? N

Case Officer: Louise Prew Date: 26/03/2026

Authorised by: Jo Morin Date: 26.03.2026