WORTHING BOROUGH COUNCIL

Mr Paul Burgess MRTPI
Lewis & Co Planning
2 Port Hall Road
Brighton
BN1 5PD

CERTIFICATE OF EXISTING LAWFUL USE OR DEVELOPMENT

TOWN AND COUNTRY PLANNING ACT 1990: SECTIONS 191 (AS AMENDED)

The Worthing Borough Council; hereby certify that on the 12th February 2024 (reference AWDM/0203/24) 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 lawful within the meaning of section 191/192 of the Town and Country Planning Act 1990 for the following reason:-

01. On the balance of probability it is considered that the property has been used as 10no self-contained units (Class C3) comprising 1no 1-bedroom flat and 9no studio flats for more than 4 years and is immune from planning enforcement action by the Council and is therefore lawful in planning terms.

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

Reference/Drawing Number	Version	Date Rec
LOCATION & BLOCK PLAN	23039-P-001	12.02.2024
EXISTING FLOOR PLANS	23039-P-010	12.02.2024
PLANNING STATEMENT	9th February 2024	12.02.2024
OFFICERS REPORT	AWDM/1339/23	12.02.2024
PLANNING APPEAL DECISION (AWDM/0894/20)	8th November 2021	12.02.2024
OFFICERS REPORT	AWDM/0894/20	12.02.2024
ENFORCEMENT NOTICE	27th June 2019	12.02.2024
ENFORCEMENT APPEAL DECISION	10th March 2020	12.02.2024

First Schedule

Application for a Lawful Development Certificate for an Existing use as 10 self-contained flats (1 x 1 bedroom flat and 9 x studio flats) since 18th May 2018.

Second Schedule

54 Rowlands Road Worthing West Sussex

Ref: - AWDM/0203/24

Signed:



Gary Peck
Planning Services Manager Date: 10.04.2024

Notes

a) This certificate is issued solely for the purposes of section 191 of the Town and Country Planning Act 1990.

b) It certifies that the matter specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date, and thus, was not liable to enforcement action under Part 7 of the 1990 Act on that date.

c) This certificate applies only to the extent of the matter described in the First Schedule and the land specified in the Second Schedule and identified on plan submitted with the application. Any matter which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

d) The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted of the operations are begun, in any of the matters relevant to determining such lawfulness.

Ref: - AWDM/0203/24

TOWN AND COUNTRY PLANNING ACT 1990

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 must be made on a form which is obtainable from the Planning Inspectorate at Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel 0117 372 6372) or can be downloaded from www.planning-inspectorate.gov.uk. 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.