

Ref: P24-2313/SH/so
10 August 2026



FAO Louise Prew/Gary Peck
Planning Department
Adur & Worthing Borough Councils
The Shoreham Centre
Pond Road
Shoreham-by-Sea
West Sussex
BN43 5WU

Vail Williams LLP
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West Sussex
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Dear Louise & Gary,

Application for a Lawful Development Certificate for an existing use or operation or activity including those in breach of a planning condition. Town and Country Planning Act 1990 (as amended)
Address: former EDF Car Park, Southdownview Road, Worthing, BN14 8NH
Planning Portal Ref: PP-15018410

Vail Williams LLP have been instructed on behalf of Shoreham Vehicle Auctions Ltd to submit this application for a Certificate of Existing Lawful Use or Development (CLEUD) for an Existing Use or Operation at the former EDF Car Park, Southdownview Road, Worthing.

This follows extensive engagement with the case officer, Louise Prew, and Head of Planning, Gary Peck, in regard to the discharge of application conditions submitted and agreed.

In addition, and as part of our correspondence regarding the time sensitive nature of the development and the conditions discharged, there was clarification from Adur and Worthing regarding the meaningful implementation without risk, and that this would constitute material start of the development. The works are described and evidenced below.

Our client, as agreed with the Planning Department, implemented on-site significant ground works, ahead of the decision notice dated 9 Feb 2023 and expiring 9th Feb 2026. As discussed, the extent and timing of the ground works, including piling and foundations, therefore implemented the application, ref AWDM/0056/22.

To assist your records and to demonstrate dated evidence we also shared at that time, photographs of the piling completed on 6 Feb 2026 and commenced on 2 Feb 2026.

In addition, we also provided confirmation that in line with HSE requirements and other conditioned CEMP, we had notified the adjacent neighbours of the construction period and contacts should they have any queries or concerns.

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In regard to the legality of advising the council of the extent and starting of works on site various calls, meetings and emails were exchanged to ensure no risk to Shoreham Vehicle Auctions, regarding implementation ahead of the outstanding matters. These occurred more regularly given the potential expiry of the application, between December and February. The Head of Planning states while *"e-mails suggest you are about to lose permission. I do not consider this to be the case. The existing consent is valid until 9 February 2026 so your permission cannot be 'lost' until that date"*.

We also had written confirmation that the works proposed could commence from the case officer following legal discussions (email dated 27/1/26). This stated:

"We have met with our legal officer who has advised that none of the outstanding pre-commencement conditions are true condition precedents and so you are able to commence work." This both related to the planned works and the outstanding elements to the discharge of pre-commencement conditions.

This was also confirmed on the 28th January 2026, again by Adur & Worthing stating: *"we have confirmed that you can start on site as the conditions outstanding are not considered to go to the heart of the permission and are therefore not true condition precedent."*

Accordingly, the dated evidence below is provided in support of this Certificate of Lawful Development application. It demonstrates that works were undertaken on site before the permission expired, confirming that application AWDM/0056/22 has been lawfully implemented and is now extant.

This certificate of Lawful Development is to provide a formal agreement to the extent and timing for the work already undertaken as a formal planning audit trail. Our submission on behalf of our client Shoreham Vehicle Auctions:

- This Covering Letter
- Application Form
- Document 1: 23043-HNW-ZZ-ZZ-DR-A-1010 Rev P01 – Location Plan identifying application site
- Document 2: Decision Notice ref: AWDM/0056/22 dated 9 February 2023
- Document 3: Unit 9 Summary of Works, including site photos, prepared by Edburton Contractors Ltd
- Document 4: Test Certificate HQ767 – HQ770 dated 13 February 2026
- Document 5: Test Certificate HQ763 – HQ766 dated 20 February 2026
- Document 6: Daily Pile Log dated 5 February 2026
- Document 7: Daily Pile Log dated 6 February 2026
- Document 8: Cemex Certificate of Mix Design dated 30 January 2026
- Document 9: Cemex Concrete Delivery Tickets dated 5 and 6 February 2026
- Document 10: 23043-HNW-ZZ-ZZ-DR-A-3100 Rev C03 – Proposed Site Plan Unit 9 showing extent of construction

An application fee of £610 has been paid separately via Planning Portal.

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I trust you have all the information needed to determine this application, however, if you need anything further, please do not hesitate to contact me.

Yours sincerely

Suzanne Holloway BA (Hons) BTP MRTPI
Partner and LLP Member
For and on behalf of Vail Williams LLP
Mob: 0779 693 8554
Email: sholloway@vailwilliams.com

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