

## **Development Management – Delegated Officer Report**

**Application Number: AWDM/0015/26**

**Recommendation: Approve  
Certificate**

**Site: 21 Kings Walk, Shoreham-by-sea**

**Proposal: Application for Certificate of Lawfulness for conversion of 2no. flats to a single dwelling**

### **Proposal, Site and Surroundings:**

The application relates to a two storey detached building which is currently in residential use as 2no. flats. A Certificate of Lawfulness is sought for the conversion of the flats into a single dwelling. The Supporting Statement explains that no external alterations are proposed and no extensions or changes to the building envelope are required. The proposal is limited to internal works only and a reconfiguration of residential accommodation.

Both existing and proposed uses fall within Use Class C3. The Statement advises that the proposal does not result in an intensification of use, does not introduce additional activity, noise or disturbance and does alter the character of the use of the land. It considers that the proposal does not constitute development for the purposes of s55 of the Act and is not a material change of use and, in the applicant's view, planning permission is not therefore required.

### **Planning Assessment**

It is considered that the building works involved do not amount to operational development. There will no change in the appearance of the building and no significant change in the nature and scale of activities taking place. However, the two existing flats should be considered as two separate buildings in C3 use and the proposal would result in a single house amounting to one building in C3 use. This would be a different building to what exists now and so it would not be the same building that is being used for C3 purposes. The amalgamation is therefore capable of amounting to a material change of use.

As there will be a change of use, the main consideration is whether it will be material in planning terms and therefore require planning permission.

In the appeal decision APP/K5600/X/15/3141220 (Cheyne Gardens, London 2016), the Inspector stated in paragraph 15:

*In deciding whether a change of use is a material change or not the judge in Richmond adopted the formulation that it depended upon the extent to which a particular use fulfils a legitimate or recognised planning purpose as to whether a change from that use is material. In that regard the character of the existing and proposed uses must be examined against the background of development plan policy and any other material considerations. (The London Borough of Richmond-upon-Thames v SSETR and Richmond-upon-Thames Churches Housing Trust [2000] 2 PLR 115).*

Previous appeal decisions, including the one referred to above and the Richmond case, consider the loss of a housing unit would have an impact on meeting housing delivery targets. However, a more recent High Court case (Lambeth v Van Rooyen 2024) considered that the Inspector's conclusion that the loss of a single dwelling unit would not have a significant impact on the borough's housing supply ( because Lambeth was exceeding its delivery targets) was deemed a rational planning judgment. The court emphasized that such decisions are context-specific and should consider the broader housing delivery performance of the area.

The character of the existing and proposed uses must be assessed against the background of development plan policy and any other material considerations.

Adur is faced with significant housing pressures and is not currently meeting its delivery targets, unlike Lambeth. The current Adur Local Plan 2017 does not contain a specific policy which seeks to prevent the conversion of 2 units into 1. Policy 20 seeks to prevent the loss of residential use to non-residential use. That policy also supports the provision of family sized housing (2-3 bedrooms). There would be no change in the number of bedrooms (four) being provided overall but there would be a loss in the number of residential units (albeit resulting in a large 4 bed family-sized house rather than 2no. 2 bed flats). However, the latest Adur and Worthing Strategic Housing Market Assessment (SHMA) July 2025 specifies a significantly greater need for 2 bed properties than 4 bed and this proposal would result in the loss of 2 no. 2 bed dwellings.

For this reason, it is considered that the proposed change of use and resultant loss of 2no. 2 bed units, would have significant planning consequences as a matter of fact and degree.

The burden is on the applicant to satisfy us on the balance of probabilities that the proposed change of use is lawful but they have failed to do so. While the consequences of this development may not amount to planning harm, on the balance of probabilities the change of use would be material and therefore requires planning permission.

## **Recommendation**

REFUSE, for the reason:

The proposed change of use, and resultant loss of 2no. 2 bed units, would have significant planning consequences as a matter of fact and degree. On the balance of probabilities the change of use would be material and therefore requires planning permission.

Case Officer: Peter Barnett      Date: 11 February 2026

Authorised by: Louise Prew      Date: 11/02/2026