Our ref: Q250254
Your ref: PP-14212781
Email: [redacted]
Date: 5th August 2025

Adur District Council
The Shoreham Centre
Pond Road
Shoreham-by-Sea
West Sussex
BN43 5WU

To whom it may concern,

SECTION 191 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) APPLICATION SUBMITTED ON BEHALF OF MODAL PROPERTY FOR A CERTIFICATE OF LAWFULNESS FOR AN EXISTING USE OR DEVELOPMENT 49 DOLPHIN ROAD, SHOREHAM-BY-SEA, BN43 6PB

1 Introduction

We are instructed by Modal Property, acting on behalf of CP IOS PROPCO 2, to submit the enclosed application for a Certificate of Lawfulness for an Existing Use or Development (CLEUD) under Section 191 of the Town and Country Planning Act (1990) in relation to the site at 49 Dolphin Road, Shoreham-By-Sea, BN43 6PB (herein referred to as "the Site").

This application is being advanced by owners of the Site to regularise the planning position for the site and to confirm the site as being in lawful use as B8 'storage and distribution' comprising a storage use with ancillary parking.

In the interests of good planning, this application seeks to confirm the existing lawful use in order to update the planning record and to assist the future management of the Site. CP IOS PROPCO 2 recently acquired the site and the submission of this CLEUD represents an asset management exercise. The existing tenant (Amazon Access Solutions Ltd), who are remaining on the site has been in occupation since 2020. The site has been subject to various leases but has been in continuous operation as a storage/scaffolding yard with ancillary office since the purchase of the property in 1998.

The application has been submitted via the Planning Portal and includes the following documentation:

- Completed Application Form, duly signed and dated;
- Site Location Plan;
- Statutory Declaration from Bruce Douglas Williams, and associated appendices.

Payment of the relevant planning application fee is made directly via Planning Portal.

2 Application Site

Figure 1 – Site Location Plan



The site is located within the Dolphin Road Industrial Estate, located off Dolphin Road. The site is bounded by the east-west Brighton to Portsmouth railway line to the south, residential dwellings and playing fields to the north and industrial units associated with the wider industrial estate to the east and west.

The site is currently occupied by Amazon Access Solutions as a scaffolding storage and distribution business. The square parcel of land, measuring approximately 0.07ha comprises hardstanding for the storage of scaffolding equipment, vehicles and ancillary office accommodation. The site is accessed via a middle road from Dolphin Road to the east

The immediate area to the east and west of the site is characterised predominantly by industrial units (1/2 storeys) associated with the wider Dolphin Road Industrial Estate.

As previously mentioned, the site is currently occupied by Amazon Access Solutions Ltd., as a scaffolding yard with ancillary office and has done so since 2020. Prior to CP IOS PROPCO 2 acquiring the site, the Bramber Construction Executive Pension Fund (the 'Pension Scheme') owned the site since 1997 and have leased it for B8 purposes since 1998.

3 Planning History

The relevant planning history for the site is set out in Table 1 below:

Table 1 – Planning History

Application Reference Number	Description of Development	Decision
SU/496/78	Temporary covered racking to east of site	Approved 06 March 1979
SU/118/98/TP/17532	Redevelopment with warehouse (and ancillary accommodation) and parking areas	Approved 17 August 1998

Application reference SU/496/78 represents the first available reference number relating to the site. Planning permission was approved (6th March 1979) for temporary covered racking to the east of the site. A decision notice (re-provided in **Document 1**) is available, however no other documents support the application.

It is unclear whether this application was implemented however, the applicant listed on the decision notice is 'UBM Scaffolding Ltd.', a company leasing construction and civil engineering machinery equipment. The which demonstrates that the site has been used for storage purposes since at least 1979, a period of 44 years.

Application reference SU/118/98/TP/17532 represents the second and last available reference number relating to the site. Planning permission was approved (17th August 1998) for the redevelopment of the warehouse with ancillary accommodation, and parking areas. No decision notice or supporting documents are available for the application. It is unclear whether this application was implemented.

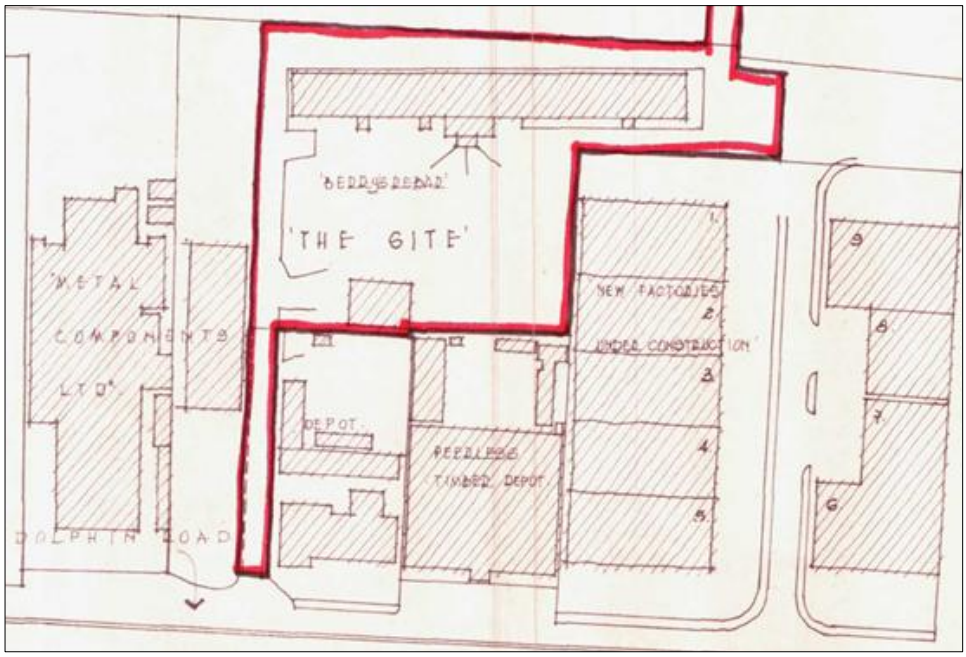
50 Dolphin Road

An application (reference: SU/122/79/TP/8301) at 50 Dolphin Road, to the north of the site, was approved on 18th June 1979 for the following development:

Erection of six storage buildings to south of main building

A Site Plan is available for the application which shows the application site in context. The Site Plan is provided in Figure 2:

Figure 2 - Site Plan SU/122/79/TP/8301



The application Site is clearly shown on the Site Plan above containing the portacabin (ancillary office) fronting the small access road. The plan describes the site as a depot which provides further evidence to demonstrate the longstanding B8 use of the site (in the context the application was granted in June 1979).

4 Relevant Evidence

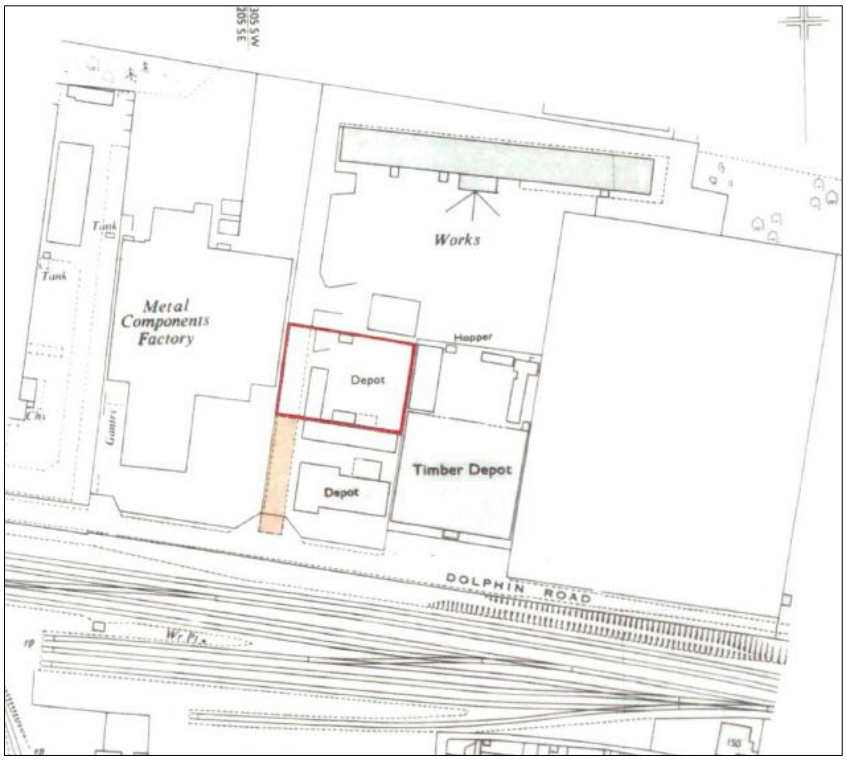
Statutory Declaration (Bruce Douglas Williams)

A statutory declaration is provided at **Document 2.**

The statutory declaration is provided by Bruce Douglas Williams, one of the Trustees of the Bramber Construction Executive Pension Fund, the previous owners of the Site, who's knowledge of the use of the Site dates to 1997.

The statutory declaration identifies the following area as the "Property".

Figure 3 – Site Plan (SJ1)



The statutory declaration identifies:

> *The Pension Scheme purchased the freehold land known as 49 Dolphin Road, Shoreham-By-Sea, BN43 6PB, being all the property registered at HMLR with title absolute under title number WSX20538 all of which is shown edged red on the plan now produced to me and marked 'SJ1' ('Plan 1') (the 'Property') on 14 February 1997. The Property is registered at the Land Registry with title number WSX20538.*
>
> *The Pension Scheme granted lease of the whole of the Property to Onyx U.K. Limited, who subsequently changed their name to Veolia ES (UK) Limited (the 'Former Tenant'), on 21 April 1998 for an aggregate term of 22 years, and the Former Tenant remained in occupation of the Property until 24 March 2020 (the 'Prior Lease'). Pursuant to the terms of the Prior Lease, the Former Tenant was permitted to use the Property as a 'storage yard/scaffolding yard'.*
>
> *The Pension Scheme granted a lease of thew whole of the Property to Amazon Access Solutions Limited (Company Number 12739672) (the 'Tenant') on 25 March 2020 for a term of three years, and a renewal lease was granted from 25 March 2023 to 25 March 2025 (together the 'Lease'). Pursuant to the terms of the Lease, the Tenant was permitted to use the Property as a 'scaffolding yard with ancillary office or any other use which the landlord consents'.*

To the best of my knowledge, the Property has continuously been used as a storage yard/ for the storage of scaffolding equipment (Use Class B8) since the commencement of the Prior Lease and so far as I am aware the Property continues to be used as a storage yard to this date as is evidenced on the google earth aerial images and site photo…

The limited planning history aligns with the information included in the statutory declaration in that the Site has been within the same use (B8 - Storage and Distribution) for a period exceeding 10 years. It can therefore be concluded that the site's lawful use has been established for a significant period (since at least April 1998).

Google Earth Images

It is evident from available Google Earth images (provided below) the use of the site for storage purposes is consistent throughout the period referenced in the enclosed statutory declaration.

Figure 4 – 2001 Google Earth Image – Storage of Vehicles



Figure 5 - 2007 Google Earth Image - Storage of Vehicles

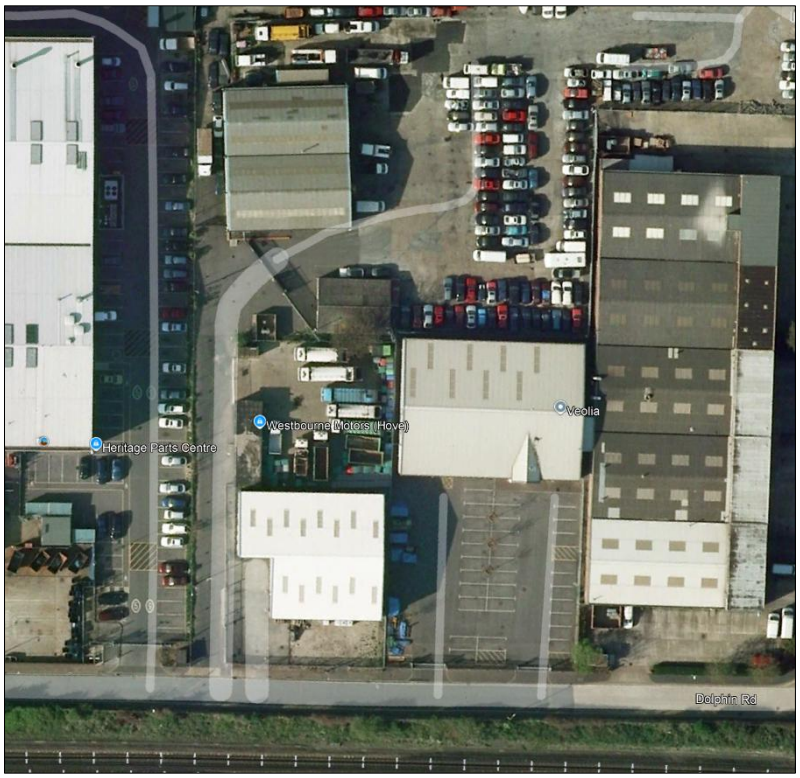


Figure 6 - 2011 Google Earth Image - Storage of Vehicles



Figure 7 - 2012 Google Earth Image – Storage of vehicles/maintenance equipment



Figure 8 – 2016 Google Earth Image – Storage of vehicles



Figure 9 - 2019 Google Earth Image - Storage of Vehicles

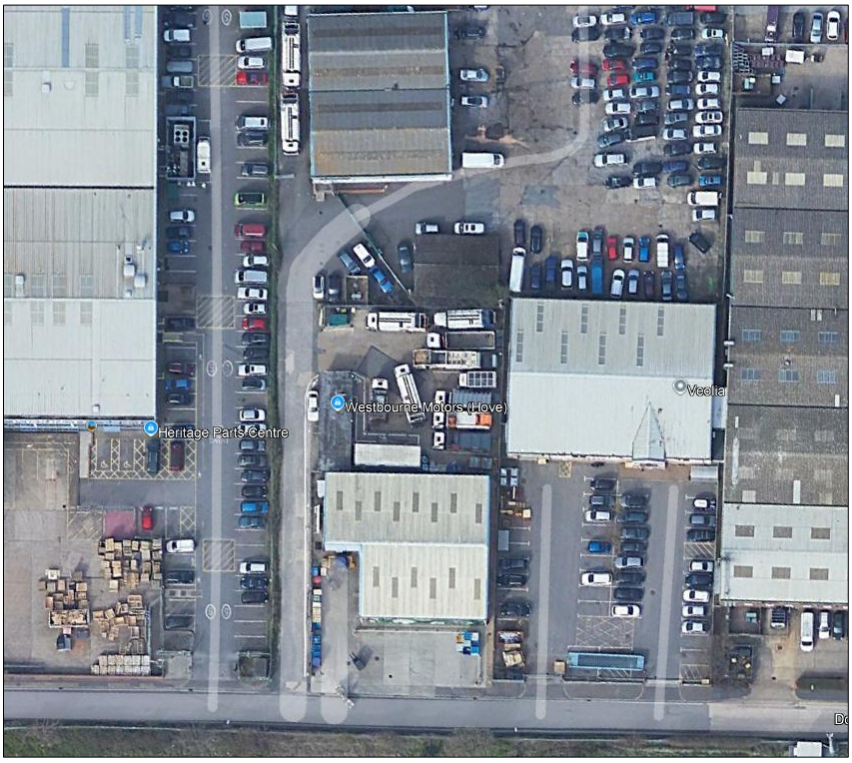


Figure 10 – 2020 Google Earth Image – Storage of equipment



Figure 11 - 2022 Google Earth Image - Storage of scaffolding equipment

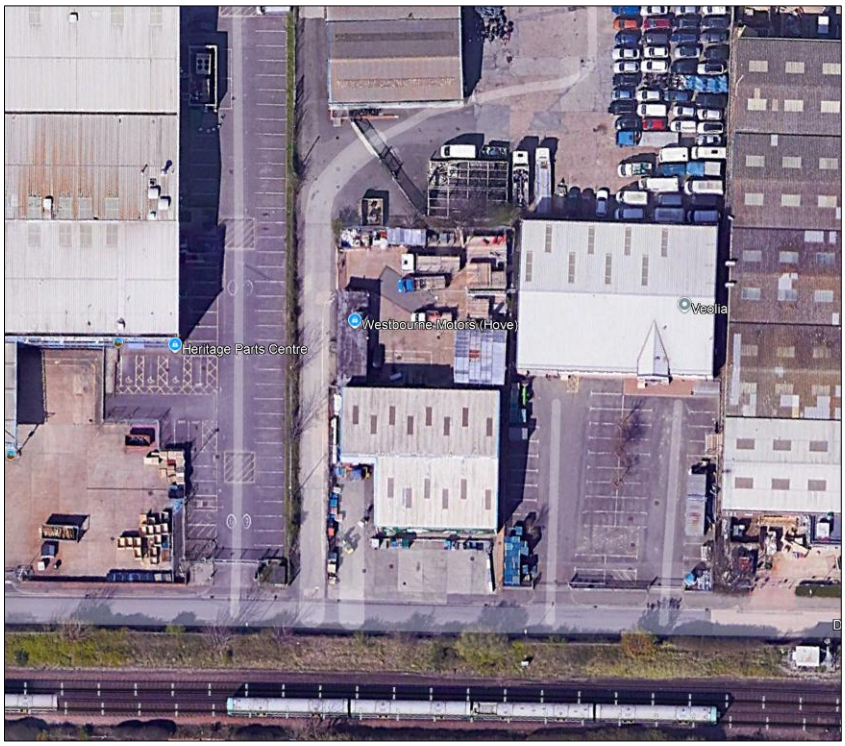
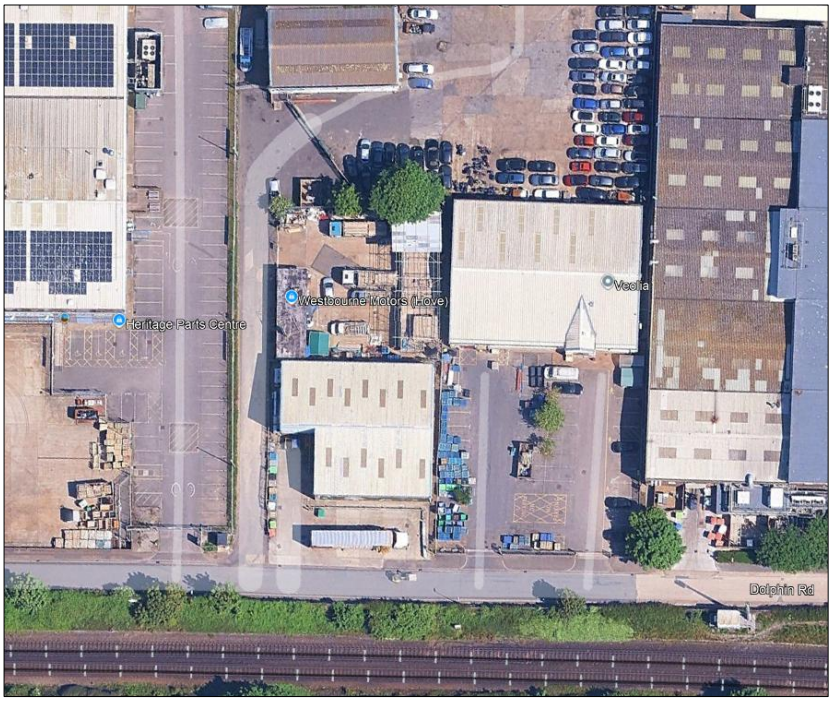


Figure 12 - 2024 Google Earth Image - Storage of scaffolding equipment



For the avoidance of doubt, the primary use of the site is B8, and the office space is ancillary in this regard. This aligns with the position established by case law that an ancillary use is one which is 'subordinate' to the principal use of premises: meaning it must serve the purposes of the primary use and usually is of a smaller size and scale to the primary use (but does not have to necessarily be small).

Business Rates Invoice

Within the Statutory Declaration, a business rate invoice is provided with the appendices. It explicitly describes the property as being 'land used for storage and premises'. Although the invoice is for the 2019-2020 period and does not demonstrate a use of at least 10 years, it demonstrates a step towards the regularisation of the use and a layer of robustness over the position of the existing lawful use and its alignment with the other evidence provided.

5 Relevant Legislation

Section 191 of the Town and Country Planning Act 1990 (as amended)

Section 191 of the Town and Country Planning Act Section 191 of the Town and Country Planning Act 1990 (TCPA) refers to Certificates of Lawfulness for Existing Use or Development. This Section of the Act allows for individuals or businesses to ascertain whether any existing use of a building or other land is lawful by making an application for that purpose to the Local Planning Authority.

Part 4 of Section 191 of the TCPA states that:

> *If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application*

This letter and enclosed documentation provide the requisite evidence and information for the Council to be satisfied that the existing use of the site is B8 (storage and distribution). The use has been established on the Site for a period of 10 or more years.

Part 5 of Section 191 of the Act provides details of what a Local Planning Authority should include within a CLEUD, stating that it should:

> *(a) Specify the land to which it relates;*
>
> *(b) Describe the use, operations or other matters in question (in the case of any use falling within one of the classes specified in an order under section 55(2) (f), identifying by reference to that class);*
>
> *(c) Give the reasons for determining the use, operations or other matter to be lawful; and*

(d) Specify the date of the application for the certificate".

The National Planning Policy Guidance (NPPG) provides further guidance on what must be included in a CLEUD. It advises that the certificate must be precise and that there is no room for doubt about what is a lawful use at a particular date. The NPPG clarifies that a CLEUD must include a description of the use, operations or other matters for which it is granted regardless of whether the matters fall within a use class.

The NPPG (paragraph: 10 Reference ID: 17c-010-20140306) also states that:

> *In all cases, the description needs to be more than simply a title or label, if future problems interpreting it are to be avoided. The certificate needs to therefore spell out the character of the matter so as to define it unambiguously and with precision.*

For the avoidance of doubt, this application seeks a Certificate of Lawfulness for an Existing Use or Development to be issued for the specific use of the site and buildings identified within this letter as B8 'storage and distribution', comprising hardstanding and an ancillary office.

6 Conclusion

This application is submitted to regularise the planning position at the site. In the interests of good planning this application seeks to confirm the existing lawful use to update the planning record and to assist the future management of the Site.

The use is aligned with the planning history position, statutory declaration and other evidence provided.

We trust that the content of this letter and supporting information satisfies Officers of the use of the Site identified at Figure 1 as B8 'storage and distribution' comprising hardstanding and ancillary office, and a Certificate of Lawful Development for an Existing Use can be issued to that effect

We will be in contact with the relevant officer once the application is registered. In the meantime, if there is any further information we can provide to assist you with your consideration of this application please do not hesitate to contact us.

Yours sincerely

[redacted]

Bella Moorhouse
Senior Planner

enc. As above
cc. Daniel Rech (Quod

DOCUMENT 1 - SU/496/78 DECISION NOTICE

West Sussex

Application No. SU/496/78

ADUR DISTRICT COUNCIL
TOWN HALL
SHOREHAM-BY-SEA
SUSSEX
Tel: Shoreham-by-Sea 4242

TOWN AND COUNTRY PLANNING ACT, 1971
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1977

To UBM Scaffolding Ltd.,
Tanner Brood Way, Millbrook Trading Estate,
Southampton, Hants, SO1 0JY.

In pursuance of their powers under the above-mentioned Act and Order, the Council, hereby notify you that they PERMIT the following development, that is to say:–

Temporary covered racking to east of site — 49 Dolphin Road, Shoreham-by-Sea.

to be carried out in accordance with your application and plan No. SU/496/78 (as modified by the undermentioned conditions if any) submitted to the Council on 26th October 1978 (and in accordance with the relevant correspondence a copy of which is attached*) and subject to compliance with the conditions specified hereunder:–

1. The building hereby approved shall be removed on or before the expiration of the period ending on 5th March 1989.

2. This permission relates to the amended plan submitted on 24th January 1979 and not to the plan originally submitted.

The reasons for imposing the above conditions are:–

1. To enable the Local Planning Authority to review the special circumstances under which this permission is granted.

2. For the avoidance of doubt and because the scheme as originally submitted was unacceptable to the Local Planning Authority.

Your copy of the application, determined as above, is returned herewith for your records.

Date 6th March 1979 Signed: Secretary and Solicitor

Signed: Planning Officer

*NOTE.–The words in brackets do not apply unless a copy of the relevant correspondence is attached.

N.B.–IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES ON THE BACK OF THIS FORM.

C.P.2.

DOCUMENT 2 – STATUTORY DECLARATION (BRUCE DOUGLAS WILLIAMS)

I, **BRUCE DOUGLAS WILLIAMS** of 370 Brighton Road, Shoreham-By-Sea, BN43 6RE, do solemnly and sincerely declare that:

1. I am one of a number of Trustees of the Bramber Construction Executive Pension Fund (the **"Pension Scheme"**).

2. The Pension Scheme purchased the freehold land known as 49 Dolphin Road, Shoreham-By-Sea, BN43 6PB, being all the property registered at HMLR with title absolute under title number WSX20538 all of which is shown edged red on the plan now produced to me and marked "**SJ1**" ("**Plan 1**") (the "**Property**") on 14 February 1997. The Property is registered at the Land Registry with title number WSX20538.

3. The Pension Scheme granted a lease of the whole of the Property to Onyx U.K. Limited, who subsequently changed their name to Veolia ES (UK) Limited (the **"Former Tenant"**), on 21 April 1998 for an aggregate term of 22 years, and the Former Tenant remained in occupation of the Property until 24 March 2020 (the **"Prior Lease"**). Pursuant to the terms of the Prior Lease, the Former Tenant was permitted to use the Property as a "storage yard/ scaffolding yard".

4. The Pension Scheme granted a lease of the whole of the Property to Amazon Access Solutions Limited (Company Number: 12739672) (the **'Tenant'**) on 25 March 2020 for a term of three years, and a renewal lease was granted from 25 March 2023 to 25 March 2025 (together the **"Lease"**). Pursuant to the terms of the Lease, the Tenant was permitted to use the Property as a *"scaffolding yard with ancillary office or any other use which the landlord consents"*.

5. To the best of my knowledge, the Property has continuously been used as a storage yard / for the storage of scaffolding equipment (Use Class B8) since the commencement of the Prior Lease and so far as I am aware the Property continues to be used as a storage yard to this date as is evidenced on the google earth aerial images and site photo referred to below at paragraphs 8 and 9.

6. To the best of my knowledge during the period of ownership of the Property by the Pension Scheme, there has not been any enforcement action taken by the Local Planning Authority in relation to the use of the Property.

7. At "**SJ2**", I attach a business rates bill relating to the rateable value of the Property on 17 December 2020 which states that the Property was used for "*storage*".

8. At "**SJ3**", I attach google earth aerial images which are dated 2012, 2016, and 2020, which demonstrates that the Property was used as a storage yard / for the storage of scaffolding equipment during this period.

9. At "**SJ4**", I attach a photograph dated February 2025 which demonstrates that the Property continues to be used as a storage yard (Use Class B8).

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provision of the Statutory Declarations Act 1835.

Signature of declarant.. [redacted]

Declared at: GWCA SOLICITORS
on 22 APRIL 2025 72 / 76 BROADWATER STREET WEST
before me ..... TYE MASON WORTHING WEST SUSSEX BN14 9DH
Solicitor/Commissioner for Oaths

Signed [redacted].....

"SJ1"

H.M. LAND REGISTRY

TITLE NUMBER

WSX20538

ORDNANCE SURVEY PLAN REFERENCE	TQ 2305	SECTION S	Scale 1/1250
COUNTY WEST SUSSEX	DISTRICT ADUR		© Crown copyright 1975



FILED PLAN
H.M. LAND REGISTRY
2-78

This official copy is incomplete without the preceding notes page.

This is the exhibit marked "SJ1" referred to in the Statutory Declaration of Bruce Douglas Williams

Signature of declarant... [redacted] ..

Declared at: GWCA SOLICITORS
on 22 APRIL 2025 72 / 76 BROADWATER STREET WEST
before me ....TYE MASON..... WORTHING WEST SUSSEX BN14 9DH
Solicitor/Commissioner for Oaths

Signed. [redacted] .....

"SJ2"

National Non-Domestic Rate Bill for 2019/20

210681/4

ADUR DISTRICT COUNCIL

PO Box 5000, Worthing,
West Sussex, BN11 1JN

Tel: 01273 263111
Email: revsbens@adur-worthing.gov.uk
Web: www.adur-worthing.gov.uk

000004

RECEIVED
23 DEC 2020

Date of Issue 17.12.2020

Account Number: 18170618

Property Reference 801108004900B

THE TRUSTEES OF
BRAMBER CONSTRUCTION CO. LIMITED
C/O BRAMBER HOUSE
370 BRIGHTON ROAD
SHOREHAM-BY-SEA
WEST SUSSEX
BN43 6RE

Address of Property giving rise to the tax

49 DOLPHIN ROAD
SHOREHAM-BY-SEA
WEST SUSSEX
BN43 6PB

Local Government Finance Act 1988

This notice advises you of the National Non-Domestic Rate payable for the period detailed below. Instalment due dates and a Statement of Account are set out overleaf. Further information is contained in a leaflet enclosed with this Bill.

98265175710800181706183

Property Description: **LAND USED FOR STORAGE AND PREMISES** Bill Number **1/0**

This bill has been issued for the following reason: **Opening Bill**

Description	£
Current RV £8200	
National Non-Domestic Rate Multiplier 2019/20 = 0.504 Small Business Non-Domestic Rate Multiplier 2019/20 = 0.491	
Calculation from 20.03.2020 to 31.03.2020 (12 days)	
RV for period is £ 8200 Non-Domestic Debit = £ 8200 x 0.491 x 12/366 =	132.01
Transition applies to Effective RV of £8200 NCA = 8200 x 0.491 x 12/366 = 132.01 Transitional Limit = 3156.77 x 1.125300 x 12/366 = 116.47 Transitional Relief = 116.469288 - 132.006557 = Transitional Chargeable Amount =	-15.54 116.47
Charge from 20.03.2020 to 31.03.2020 (12 days) =	116.47
Explanatory notes are available online at www.adur-worthing.gov.uk/business-rates	
TOTAL CHARGE FOR PERIOD =	**£ 116.47**

Please see overleaf for the amount you must pay and the details of Payment Arrangements

You may choose to pay by 12 instalments. If you wish to do so please contact the Council.

This is the exhibit marked "SJ2" referred to in the Statutory Declaration of Bruce Douglas Williams

Signature of declarant... [redacted]

Declared at: GWCA SOLICITORS
72 / 76 BROADWATER STREET WEST
WORTHING WEST SUSSEX BN14 9DH
on 22 APRIL 2025
before me ... TYE MAJOR .....
Solicitor/Commissioner for Oaths

Signed [redacted] .....

"SJ3"


2012
295


2016
NO ENTRY
295

2020
296

This is the exhibit marked "SJ3" referred to in the Statutory Declaration of Bruce Douglas Williams

Signature of declarant... [redacted]

Declared at: GWCA SOLICITORS
72 / 76 BROADWATER STREET WEST
on 22 APRIL 2025 WORTHING WEST SUSSEX BN14 9DH
before me ....TYE MASON.....
Solicitor/Commissioner for Oaths

Signed [redacted].....

"SJ4"



This is the exhibit marked "SJ4" referred to in the Statutory Declaration of Bruce Douglas Williams

Signature of declarant. [redacted]

Declared at: GWCA SOLICITORS
on 22 APRIL 2025 72 / 76 BROADWATER STREET WEST
before me TYE MAISN WORTHING WEST SUSSEX BN14 9DH
Solicitor/Commissioner for Oaths

Signed [redacted].....