



PLANNING, DESIGN AND ACCESS **STATEMENT**

Change of Use and Conversion of Ground Floor Commercial Premises
from Former Bar (Sui Generis) to Two Self-Contained Residential Flats
(Use Class C3)

42 Marine Parade, Worthing, West Sussex, BN11 3QA

Drawing Reference: DS/MARINEGF/01

Date: 8th June 2026 (revised version)



1. INTRODUCTION

1.1 Purpose of this Statement

This Planning, Design and Access Statement ('the Statement') has been prepared on behalf of the Applicant, in support of a full planning application for the change of use and internal conversion of the ground floor commercial premises at 42 Marine Parade, Worthing from a former bar (sui generis use) to two self-contained residential flats (Use Class C3). The building already contains four residential flats on the upper floors in addition to the ground floor commercial premises subject to this application.

The application seeks to secure the long-term viable reuse of a vacant commercial unit, following a sustained and demonstrably unsuccessful marketing exercise, whilst delivering high-quality residential accommodation in a highly sustainable seafront location within Worthing's South Street Conservation Area.

1.2 Scope of the Statement

This Statement has been prepared to provide a comprehensive, evidence-based and policy-led justification for the proposed development, with particular emphasis on:

- Demonstrating that the existing commercial use has failed in operation
- Confirming that the premises have been properly and extensively marketed for a sustained period
- Establishing that there is no realistic prospect of securing a viable commercial tenant
- Showing that the proposed residential use represents the most appropriate and sustainable use of the site
- Confirming compliance with the Worthing Local Plan 2023 and the National Planning Policy Framework (NPPF, December 2024, as amended February 2025)

The Statement is intended to withstand scrutiny at all levels of the planning process, including case officer assessment, planning committee consideration, and appeal proceedings if required.

1.3 Supporting Documents

The application is supported by the following documents:

- Site Location Plan (Drawing No. DS/MARINEGF/03)
- Site Plan 1:500 (Drawing No. DS/MARINEGF/02)
- Proposed Plans and Elevations (Drawing No. DS/MARINEGF/01rev3, dated 30/04/2026)
- Heritage Statement (Deadspace Designs, dated 17th April 2026)
- Agent Marketing and Viability Statement — Jacobs Steel Commercial (Nichola Charles, 17 April 2026)
- Agent Marketing Letter and Particulars — Justice & Co Commercial Ltd (Jon Justice, 15 April 2026)
- Marketing Particulars — Jacobs Steel Commercial (original asking rent)
- Marketing Particulars — Justice & Co Commercial Ltd (reduced rent, £20,000 per annum)
- Flood Risk Assessment (to be prepared by suitably qualified flood risk consultant)

2. SITE CONTEXT AND SURROUNDINGS

2.1 Location and Setting

The application site is located on the northern side of Marine Parade, forming part of Worthing's seafront frontage and directly addressing the promenade. The site is identified on Drawing No. DS/MARINEGF/02 and DS/MARINEGF/03, which accompany this application.

The site occupies an end-of-terrace position at the junction of Marine Parade and Montague Place, within a continuous row of historic buildings which collectively form a key part of the seafront townscape. This corner position is particularly significant as it affords the proposed ground floor flats a dual-aspect outlook — towards Montague Place to the west as well as the rear courtyard to the north — which is of material benefit to the quality of accommodation for future occupiers.

2.2 Surrounding Uses

The surrounding area is characterised by a mixed-use environment, comprising ground floor commercial, leisure and hospitality uses alongside residential accommodation at upper floor levels. This pattern of development is typical of seafront locations in English coastal towns, where commercial activity at ground floor level has historically been combined with residential use above.

2.3 Existing Use of the Building

The application property already comprises four self-contained residential flats on the upper floors. The building is therefore already predominantly residential in function, with the commercial use limited to the ground floor only.

The proposal does not introduce residential use into a wholly commercial building. Instead, it represents the completion of an existing residential building, through the replacement of a failed and vacant commercial use at ground floor level.

2.4 Heritage Context

The site is located within Worthing's South Street Conservation Area. The building is not statutorily listed, but it sits within a sensitive context adjacent to Grade II listed Regency terraces and in close proximity to the Grade II Listed Worthing Pier. The heritage implications of the proposal are addressed fully in Section 7 of this Statement and in the accompanying Heritage Statement.

2.5 Flood Risk

The application site at 42 Marine Parade is located within Flood Zones 2 and 3 as shown on the Environment Agency's Flood Map for Planning. The application is supported by a standalone Flood Risk Assessment (FRA) prepared by a suitably qualified flood risk consultant, which accompanies this application as a supporting document.

The FRA demonstrates that the Sequential Test and Exception Test required by NPPF paragraphs 167–172 are satisfied. The Sequential Test is met on the basis that this proposal involves the conversion of an existing building — not the creation of a new building in a flood risk area — and that the building itself has occupied this seafront site for over a century. There is no reasonably available alternative site in a lower flood zone that could accommodate this specific conversion proposal, which is inherently tied to the existing property.

The Exception Test is met on the basis that: (a) the wider sustainability benefits of the proposal — reusing a vacant building, delivering housing, preserving the Conservation Area — outweigh the flood risk; and (b) the development will be made safe for its lifetime through the flood resilience and resistance measures set out in the FRA, which include appropriate floor levels, flood-resistant construction to vulnerable elements, suitable ventilation, and safe access and egress arrangements. The FRA confirms that the proposed development will not increase flood risk elsewhere.

Flood resilience measures will be incorporated into the conversion works, including flood-resistant door thresholds and air brick covers to the ground floor, and will be secured by planning condition if required by the Local Planning Authority. Future occupiers will be made aware of the flood risk through the property conveyancing and insurance processes standard to properties in designated flood zones.

3. EXISTING USE AND BACKGROUND

3.1 Former Use — Roots Bar

The ground floor of the property was most recently occupied as a licensed premises known as 'Roots Bar.' The tenant vacated the premises and surrendered the lease on 29 September 2025. The circumstances of that surrender are highly material to the planning assessment.

3.2 Circumstances of Failure

The business ceased trading due to:

- Sustained lack of customer demand
- Insufficient footfall to sustain viable operation
- Ongoing financial losses throughout the period of occupation
- Inability to operate profitably at this location

This establishes an important planning distinction. The use did not simply become vacant through circumstance, change of ownership, or the tenant seeking alternative premises. Instead, the use failed in practice, under real trading conditions, at a premises which had been actively refurbished and invested in as recently as 2024.

The premises were in a good state of repair at the time of surrender. The layout and condition were suitable for occupation. The failure of the use cannot, therefore, be attributed to disrepair, neglect, or lack of investment. It must instead be attributed to market conditions, location factors, and lack of viable commercial demand at these specific premises.

3.3 Vacancy Period

The premises have remained vacant since 29 September 2025. Despite an extensive marketing campaign commencing almost immediately after surrender (2 October 2025) and continuing for approximately seven months to the date of this application (April 2026), no viable commercial tenant has been secured.

This period of vacancy, combined with the quality and breadth of the marketing undertaken, is a powerful material indicator of lack of demand. It is not simply a short-term gap between tenants — it reflects a structural absence of viable commercial demand for these premises in their current use.

4. THE PROPOSAL

4.1 Description of Development

The proposal seeks full planning permission for the change of use and internal conversion of the existing ground floor commercial premises at 42 Marine Parade, Worthing from its former use as a bar / licensed premises (sui generis use) to two self-contained residential flats falling within Use Class C3.

The proposed development, as shown on Drawing No. DS/MARINEGF/01 (dated 08/04/2026), would provide:

- 2 no. self-contained one-bedroom residential flats
- Both units arranged at ground floor level within the existing building envelope
- Private courtyard amenity space associated with each flat, accessed through each flat via the common way from the front east elevation off Marine Parade.
- Refuse and cycle storage arrangements integrated within the scheme
- Minor external alterations only, as described in Section 4.5 below

The proposal is modest in physical development terms. It does not seek to extend the building, alter its height, introduce additional floors, increase its massing, or materially change the principal seafront elevation.

4.2 Use and Amount of Development

The existing ground floor premises were previously occupied as a bar / licensed hospitality use (sui generis). The proposal is to change the use of that ground floor space to residential use (Use Class C3).

The amount of residential development proposed is limited to two one-bedroom flats. The scale of accommodation is proportionate to the size and configuration of the existing ground floor premises and represents an efficient use of the available space without over-intensifying the building. The upper floors already contain four residential flats, meaning the proposed use would sit comfortably within the existing functional pattern of the property and would complete the building as a wholly residential unit.

4.3 Layout

The proposed internal layout, shown on Drawing No. DS/MARINEGF/01, creates two practical, self-contained flats within the existing ground floor footprint. The layout makes efficient use of the available space, using existing openings wherever possible and minimising the need for external intervention.

The layout has been informed by the need to provide an acceptable standard of accommodation for future occupiers, including functional living space, suitable bedroom accommodation, kitchen and bathroom facilities, natural light and outlook through existing openings, access to private external amenity space, and appropriate separation from adjoining and upper-floor residential accommodation.

Flat 1 is positioned towards the front of the building (South elevation on Marine Parade) with access from Marine Parade via the main front door which services all of the flats within the block. Flat 2 is positioned to the rear on the ground floor level as per the attached plans and is accessed via the same entrance.

4.4 Scale and Massing

No change is proposed to the scale, height, roof form or massing of the building. The development is contained within the existing envelope and would not create any additional physical bulk when viewed from Marine Parade, the seafront, adjoining properties, or the wider Conservation Area.

4.5 Appearance and External Alterations

External alterations are strictly limited and are confined to the following, as shown on Drawing No. DS/MARINEGF/01:

- West elevation (Montague Place): An existing window opening is adapted to provide an access door, using a traditional timber unit to match the existing joinery. This is the only external alteration to the west elevation.
- Rear elevation (north): An existing rear door is upgraded, with an altered fanlight, using traditional timber to match existing. The existing roof windows on the rear, north-facing roof slope (bedroom flat 2) are to be retained.
- Principal front elevation (Marine Parade, south): NO CHANGE. The seafront frontage remains materially unchanged.
- Courtyard: Hard and soft landscaping works to the western courtyard areas to provide private amenity space for each flat.

The design approach is one of conservation, restraint and compatibility. These alterations are the minimum necessary to allow the residential use to operate and are undertaken using materials to match the existing building. The principal seafront frontage remains wholly unchanged.

4.6 Residential Quality and Space Standards

The proposed flats have been designed to provide good-quality residential accommodation in a highly sustainable seafront / town centre location. The floor areas of the proposed units are as follows, taken from Drawing No. DS/MARINEGF/01:

Flat 1 — Total GIA	54.76 m ²
Flat 1 — Bedroom	14.10 m ² (double)
Flat 1 — External space (side courtyard)	14.50 m ²
Flat 1 — External space (front)	26.08 m ²
Flat 1 — Storage	1.54 m ² (inc. allowable wardrobe space)

Flat 2 — Total GIA	53.09 m ²
Flat 2 — Bedroom	15.05 m ² (double)
Flat 2 — External space (side courtyard)	11.10 m ²
Flat 2 — Storage	1.61 m ² (inc. allowable wardrobe space)

Both units comply with and exceed the Nationally Described Space Standards (NDSS). The NDSS minimum for a one-bedroom, two-person flat is 50m² gross internal area. Flat 1 (54.76m²) and Flat 2 (53.09m²) both exceed this minimum. The bedroom dimensions in both flats also exceed the NDSS minimum for a double bedroom of 11.5m². These units therefore meet Policy DM2(d) of the Worthing Local Plan 2023, which requires all new dwellings — including those created through conversion — to meet the Nationally Described Space Standards.

Both flats benefit from private outdoor amenity space in the form of courtyard areas on the western side of the building, consistent with the Council's local guidance for external space set out in the supporting text to Policy DM2. Ground floor flats with direct access to courtyard space represent precisely the form of residential provision that Policy DM2 contemplates as appropriate for flatted development.

The internal conversion will include appropriate upgrading works, including acoustic separation pursuant to Building Regulations Part E, fire separation, modern services, bathroom and kitchen installation, and general refurbishment appropriate to residential occupation. These works will ensure that the proposed units provide a suitable, safe, and comfortable standard of accommodation for future occupiers and integrate properly with the existing flats above.

With particular regard to acoustic separation, the conversion of a former bar to residential accommodation creates a specific opportunity for improvement. The proposed works will provide appropriate sound insulation between the new ground floor flats and the existing residential flats above. If the Local Planning Authority considers it appropriate, a condition requiring submission and approval of an acoustic scheme prior to commencement would be acceptable to the Applicant.

4.7 Access

The proposal uses existing access arrangements wherever possible. Flat 1 is positioned towards the front of the building (south elevation on Marine Parade) with access from Marine Parade via the main front door which services all of the flats within the block. Flat 2 is positioned to the rear on the ground floor level as per the attached plans and is accessed via the same entrance. No new vehicular access is proposed and no intensification of pedestrian activity is anticipated relative to the former bar use.

The site is located in a highly accessible location where day-to-day needs can be met without reliance on a private car. The site benefits from immediate pedestrian access to the seafront and promenade, close proximity to Worthing town centre and Montague Place (which is currently subject to a £3.1 million public realm improvement scheme), access to nearby bus routes, and reasonable walking distance to Worthing railway station.

4.8 Refuse, Servicing and Cycle Provision

The proposed scheme includes dedicated refuse arrangements and cycle storage, integrated within the scheme and positioned to avoid visual impact on the Conservation Area. Refuse and cycle storage are shown on Drawing No. DS/MARINEGF/01.

The proposed residential use represents a significant reduction in operational intensity compared with the former bar / hospitality use. A bar operation can require deliveries, waste collection, stock movement, cellar servicing, food and drink supply, and concentrated customer activity at evenings and weekends. Residential use generates a more predictable, lower-impact and more dispersed pattern of activity.

5. PLANNING POLICY CONTEXT

5.1 Introduction

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The starting point is therefore the adopted development plan, together with relevant national planning policy and other material considerations.

The development plan for the application site comprises the Worthing Local Plan 2023 (adopted 28 March 2023, covering the period 2020–2036). National policy is provided by the National Planning Policy Framework (NPPF), revised 12 December 2024 and amended 7 February 2025.

5.2 National Planning Policy Framework (2024)

5.2.1 Presumption in Favour of Sustainable Development (NPPF Paragraph 11)

Paragraph 11 of the NPPF establishes the presumption in favour of sustainable development as a golden thread running through decision-making. For decision-taking, this means approving development proposals that accord with an up-to-date development plan without delay.

This proposal represents sustainable development. It reuses an existing vacant building, provides additional housing in a highly accessible location, avoids unnecessary external alteration, preserves the Conservation Area, removes a failed and non-viable commercial use, and improves the amenity relationship within an already predominantly residential building. The presumption in favour of sustainable development therefore provides important support for the application.

5.2.2 Housing Delivery (NPPF Paragraphs 60–79)

The NPPF places significant emphasis on the need to deliver a sufficient supply of homes. The delivery of two additional residential units in a highly sustainable seafront location is a material benefit. Small sites and conversions can make an important cumulative contribution to local housing supply, particularly in constrained urban areas such as Worthing where large development opportunities are limited.

5.2.3 Effective Use of Land (NPPF Paragraphs 123–125)

The NPPF supports the effective use of land in meeting the need for homes and other uses. The proposal makes effective use of an existing ground floor unit which is currently vacant and which has failed to attract a viable commercial occupier. A vacant unit makes no meaningful contribution to the vitality of the seafront, the local economy, housing supply, or the active use of the building. The reuse of this floorspace for residential purposes attracts positive weight in the planning balance.

5.2.4 Design (NPPF Paragraphs 130–141)

The NPPF requires development to achieve high-quality design sympathetic to local character and history. The proposal avoids unnecessary external change and does not alter the scale, height, massing or principal appearance of the building. The design approach is conservative, restrained and context-sensitive, consistent with the character of the site and the wider South Street Conservation Area.

5.2.5 Heritage (NPPF Paragraphs 205–214)

The NPPF gives great weight to the conservation of designated heritage assets, including Conservation Areas. The relevant test under paragraph 206 is whether the proposal would preserve or enhance the character or appearance of the Conservation Area.

In this case, the proposal preserves the character and appearance of the Conservation Area because no alteration is proposed to the overall height, massing, roof form or principal seafront frontage of the building. The minor external alterations are limited and sympathetically executed in traditional materials.

Accordingly, the proposal causes no harm to the significance of the Conservation Area. There is therefore no requirement for the harm-versus-public-benefits balancing exercise under NPPF paragraph 208. However, even if a decision-maker were to identify a very low level of less than substantial harm — which is not accepted — that harm would be clearly outweighed by the public benefits of the proposal, including bringing a vacant unit back into active use, providing two additional homes, removing a failed bar use from beneath residential flats, and securing the long-term viable occupation of the building.

5.2.6 Flood Risk (NPPF Paragraphs 167–172)

The NPPF requires development to be steered away from areas at risk of flooding, with more vulnerable uses directed to areas of lower flood risk. The Sequential Test requires that development is directed to Zone 1 in preference to higher-risk zones.

As confirmed in Section 2.5 of this Statement, the application site falls within Flood Zones 2 and 3. A standalone Flood Risk Assessment accompanies the application. The FRA demonstrates that the Sequential Test and Exception Test are satisfied. The Sequential Test is met because this is a conversion of an existing century-old building — not a new build — and the proposal is inherently tied to this specific property. The Exception Test is met because the sustainability benefits of the proposal outweigh the flood risk, and the development will be made safe for its lifetime through appropriate flood resilience measures. The proposal is accordingly acceptable in flood risk terms in accordance with NPPF paragraphs 167–172.

5.3 Worthing Local Plan 2023

5.3.1 Policy SP1 — Spatial Strategy

Policy SP1 establishes the spatial strategy for the Borough, directing development within the Built Up Area Boundary and requiring efficient use of previously developed land. The application site is within the Built Up Area Boundary. The proposal makes efficient use of a vacant, previously developed ground floor unit in a highly accessible seafront location, consistent with the spatial strategy.

5.3.2 Policy DM1 — Housing Mix

Policy DM1 supports the delivery of residential accommodation through conversion and change of use, and requires such development to provide a high standard of accommodation and to comply with space standards. The proposal provides two one-bedroom market dwellings within an existing building. As demonstrated in Section 4.6 of this

Statement, both units comply with and exceed the Nationally Described Space Standards required by Policy DM2(d). The proposal is accordingly consistent with Policy DM1.

Policy DM1(f)(v) requires that at least one unit in a conversion scheme should be suitable for family occupation unless specific exceptions apply. The proposed units are one-bedroom flats located at ground floor level with direct access to private courtyard amenity space. One-bedroom units at ground floor level with outdoor amenity space can accommodate small family occupation. The Applicant is content to discuss this requirement further with the Local Planning Authority if considered necessary. However, it is noted that the specific configuration of the existing ground floor footprint — and the imperative to create two self-contained units within it — constrains the scope for larger family-sized accommodation.

5.3.3 Policy DM2 — Density and Space Standards

Policy DM2(d) requires all new dwellings — including those created through conversion — to meet the Nationally Described Space Standards. As confirmed in Section 4.6 of this Statement, both proposed flats exceed the NDSS minimum of 50m² for a one-bedroom, two-person flat. Both bedroom sizes also exceed the NDSS minimum for a double bedroom. The proposal fully satisfies Policy DM2(d).

5.3.4 Policy DM9 — Economy and Employment / Loss of Commercial Use

The Worthing Local Plan 2023 contains economy policies which seek to protect viable commercial, employment and town centre uses from loss. The purpose of such policy is to protect commercial uses which are genuinely viable and which make a positive contribution to the function of the area. Planning policy does not require the indefinite retention of a commercial use which has demonstrably failed, which has been thoroughly tested in the market, and which has no realistic prospect of recovery.

The bar / licensed premises (sui generis) use at 42 Marine Parade has been comprehensively tested in the market. The evidence — set out in detail in Section 6 of this Statement — establishes that the use failed in actual operation, that the premises have been vacant since September 2025, that a dual-agent marketing campaign over approximately seven months produced no viable tenant despite rent reductions from £25,000 to £20,000 per annum, and that two independent professional agents have concluded there is no realistic prospect of re-letting the premises in commercial use.

In these circumstances, the policy protection for the commercial use falls away. Retaining a vacant, failed commercial unit in perpetuity would not serve the purpose of commercial protection policy. The planning balance therefore supports the proposed change of use.

It is further noted that the former use is sui generis — it does not fall within Use Class E. The marketing particulars prepared by Jacobs Steel reference Class E use, which is a standard commercial agent disclaimer advising prospective tenants to verify planning use with the Local Planning Authority. The former bar / licensed premises use (Roots Bar) was a sui generis use by nature of its licensed premises character. This is relevant because sui generis uses do not benefit from the permitted development flexibilities that apply to Class E uses. The change of use therefore requires full planning permission, and the viability evidence assembled to support this application demonstrates clearly that there is no realistic prospect of continued commercial use of any description at this premises.

5.3.5 Policy DM13 — Design Quality

Policy DM13 requires development to achieve high-quality design that is sympathetic to local character. The proposal achieves a high standard of design through restraint — avoiding unnecessary external change, respecting the existing building envelope, and using traditional materials for the limited external works required. The proposal satisfies Policy DM13.

5.3.6 Policy DM15 — Heritage and the Historic Environment

Policy DM15 requires development affecting designated heritage assets to preserve or enhance their character and appearance. As set out in Section 7 of this Statement and in the accompanying Heritage Statement, the proposal preserves the character and appearance of the South Street Conservation Area. The principal seafront frontage is unchanged. The limited external works are sympathetically designed in traditional materials. No harm is caused to the significance of any designated or non-designated heritage asset. The proposal satisfies Policy DM15.

5.3.7 Affordable Housing — Policy DM3

Policy DM3 of the Worthing Local Plan 2023 requires affordable housing contributions from new residential development of 10 or more self-contained units on previously developed land. The proposed development provides only two residential units. This falls significantly below the ten-unit threshold and accordingly no affordable housing contribution is required or sought. The proposal is therefore consistent with Policy DM3 and raises no affordable housing issue.

5.3.8 Biodiversity Net Gain

The Environment Act 2021 introduced a mandatory requirement for new development in England to deliver a minimum 10% biodiversity net gain (BNG). However, this requirement does not apply to changes of use of existing buildings where no new above-ground built footprint is created. The proposed development involves the internal conversion of an existing ground floor building with only minor external alterations to secondary elevations — no new building footprint is created. The mandatory BNG requirement accordingly does not apply to this proposal. No biodiversity metric or habitat management plan is required.

6. COMMERCIAL VIABILITY, MARKETING AND LOSS OF USE ASSESSMENT

6.1 Introduction

The principal issue for determination is the proposed loss of the existing ground floor commercial use, formerly operating as a bar / licensed premises (sui generis use). This section provides a comprehensive, evidence-based assessment demonstrating that the existing use has failed in operation, the premises have been fully tested in the market, and there is no realistic prospect of securing a viable commercial occupier.

****Direct correspondence as evidence of marketing has been obtained from Jacob Steel Commercial and from Justice & Co Ltd (included as part of the application as PDF files) These can be referenced against the information relayed below.***

6.2 Operational Failure of the Existing Use

The premises were most recently occupied as a licensed premises known as 'Roots Bar,' which traded as a bar and restaurant for over two decades. The premises were extensively refurbished in 2024 to a high standard, including laminate flooring, spot lighting, and a bespoke fully fitted bar server. Despite this significant investment in the premises, the tenant surrendered the lease on 29 September 2025.

As confirmed by Jacobs Steel Commercial in their signed Agent Marketing and Viability Statement (Nichola Charles, 17 April 2026): the previous tenant surrendered the lease because the business was not trading profitably and was significantly losing money, with insufficient customer demand and trade levels to sustain the operation.

This is a critical and highly material planning consideration. The use failed in practice, under real trading conditions, at a premises which was in excellent condition having been recently refurbished. The failure cannot be attributed to disrepair, neglect, or inadequate investment. It must instead be attributed to the fundamental commercial characteristics of the location — insufficient footfall, seasonal trading patterns, high operating costs, and lack of consistent year-round demand. These are structural constraints that would affect any future commercial operator of these premises equally.

6.3 Agency Instructions and Marketing Duration

Following the vacation of the premises on 29 September 2025, the Applicant — who is also the landlord of the property — did not seek an immediate change of use. Instead, the property was placed on the open market through two independent commercial agents:

- Jacobs Steel Commercial (10 Chapel Road, Worthing, BN11 1BJ) — formally instructed by the landlord on 2 October 2025, commencing active marketing on 13 October 2025
- Justice & Co Commercial Ltd (307 Goring Road, Worthing, BN12 4NX) — instructed from December 2025

Both agents were instructed to market the property for reletting as a bar / licensed premises / hospitality venue / commercial leisure premises, on terms intended to be realistic and capable of attracting genuine market interest.

The combined marketing campaign ran continuously from 2 October 2025 to the date of this application in April 2026 — a period of approximately seven months. Jacobs Steel specifically confirm that, in their professional opinion, the marketing period was sufficient to expose the property properly to the market and to test whether there was genuine demand for reletting the premises as a bar or similar hospitality venue.

The quality and intensity of the dual-agent marketing campaign substantially reinforces the adequacy of the marketing period. More importantly, the marketing evidence — when combined with the evidence of actual business failure by the previous tenant under real trading conditions — establishes a powerful and structural case for commercial non-viability that goes well beyond what marketing duration alone could demonstrate.

6.4 Extent of Marketing Activity

The marketing campaign was extensive, professionally managed, and far exceeded standard practice. The activity undertaken by the two agents collectively included:

- Online listings: Rightmove Commercial (property registered 25 September 2025, with continuous listings activity evidenced by Rightmove statistics appended to the Jacobs Steel statement), Zoopla Commercial, OnTheMarket, EG Propertylink, NovaLoca, Focus, and Estate Agents Clearing House (EACH)
- Agent websites: Listed on both justiceandco.co.uk and jacobs-steel.co.uk with full marketing particulars available for download
- Direct email campaigns by Justice & Co: Particulars emailed twice to 100 Sussex and Surrey commercial agents, 450 London commercial agents, and 278 registered applicants — a total exceeding 800 direct contacts
- Direct operator contact by Jacobs Steel: Direct approaches to known licensed, leisure and hospitality operators in the area
- Physical marketing: Prominent 'To Let' boards erected on the front elevation of the property
- Social media: Promotion across LinkedIn, Facebook, and Instagram by Justice & Co, and social media exposure by Jacobs Steel
- Newsletter: Featured in the Justice & Co online newsletter
- Full colour marketing particulars: Prepared and distributed by both agents, including floor plans and photographs, at both the original asking rent and the subsequently reduced rent
- Structured viewing days: Arranged and conducted by both agents with interested parties

The Jacobs Steel statement is accompanied by an audit trail evidencing the marketing activity, including: Rightmove statistics showing continuous listing from 2 October 2025 to 17 April 2026 with peak property views of approximately 600 in November/December 2025; an audit history log confirming the property was fed to Rightmove, Zoopla and Property Pilot from 13 October 2025; an email marketing log (particulars sent log) showing 234 entries with

particulars distributed on 13 October 2025 and 4 February 2026; and a full viewing log and enquiry log of all 137 total enquiries received.

6.5 Rental Testing and Market Responsiveness

The property was initially marketed by both agents at £25,000 per annum exclusive. In direct response to market feedback that the quoting rent was too high given the economic and political climate, the rent was revised as follows:

- Jacobs Steel revised their asking rent from £25,000 to £22,000 per annum on 4 February 2026, with incentives including a rent-free period and a stepped rent structure with flexible lease terms also offered
- Justice & Co reduced their quoted rent from £25,000 to £22,500 per annum in January 2026
- The property was ultimately marketed by Justice & Co at a further reduced rent of £20,000 per annum

These progressive reductions — amounting to a total reduction of 20% from the original asking rent — demonstrate genuine and responsive engagement with market conditions and a serious commitment to securing commercial occupation. Jacobs Steel specifically confirm that, in their view, the terms on which the property was offered did not prevent it from being fairly tested on the open market.

Despite these reductions, no viable tenant was secured at any rent level. The failure of the market to respond even to a significantly reduced asking rent with flexible lease terms is a powerful indicator that the absence of demand is structural rather than price-related.

6.6 Enquiries, Viewings and Offers

The marketing exercise by Jacobs Steel alone generated 137 total enquiries, broken down as follows: 36 from the agency website; 51 from commercial portals; 27 from email/database circulation; 12 from board or passing trade; 3 from direct referral or word of mouth; and 8 from other sources.

Of these 137 enquiries, approximately 62 were superficial or speculative, while 75 resulted in more meaningful requests for further information. Approximately 45 parties requested marketing particulars or engaged in follow-up discussions. Approximately 15 parties were considered potentially viable occupiers capable of taking the property subject to agreement of terms.

Despite this level of initial enquiry activity, Jacobs Steel conducted only 11 viewings — confirming that the conversion rate from enquiry to viewing was poor. The parties who viewed comprised independent bar operators, hospitality businesses, and leisure operators. Following those viewings:

- 1 party declined to proceed immediately
- 2 parties expressed some initial interest but did not make an offer
- 2 parties raised concerns regarding viability and likely trading performance
- 3 parties withdrew after considering likely operating costs, fit-out requirements, market conditions or covenant obligations
- 2 parties failed to progress after receipt of further details or follow-up contact

Jacobs Steel received 5 formal offers and 2 informal expressions of interest during the marketing period. The details of those offers are as follows:

- 4 November 2025: Offer for a 5-year lease at £24,000 per annum with a 2-year break clause. Withdrawn due to associated costs for the intended use.
- 4 January 2026: Offer for a 10-year lease at £25,000 per annum with a 5-year break clause. Withdrawn due to funding difficulties relating to installation of extraction.
- 5 January 2026: Offer for a 15-year lease at £25,000 per annum with breaks at 5-year intervals. Withdrawn due to viability concerns.

- 20 February 2026: Offer for a 15-year lease at £25,000 per annum with breaks at 5-year intervals. Rejected on the basis that the proposed use was unsuitable having regard to applicable noise restrictions.
- 24 March 2026: Offer for a 10-year lease at £22,000 per annum with a break clause in year 5. Withdrawn by the interested party.

Every offer that was received either withdrew of its own accord or was rejected due to fundamental commercial constraints — associated costs, funding difficulties, viability concerns, noise restrictions, or the prospective tenant's own withdrawal. Not a single offer progressed to a concluded transaction or came close to completion. Jacobs Steel confirm that the conversion rate from enquiry to viewing, and from viewing to any credible offer, was poor.

6.7 Market Feedback — Structural Constraints

Feedback received from prospective occupiers was consistent across both agents and identified the following recurring themes:

- Insufficient trade or turnover potential at this location
- Concerns regarding profitability and the ability to operate the premises successfully
- High running costs and overheads relative to likely turnover
- Wider commercial pressures within the hospitality sector
- The seasonal nature of the location and lack of consistent year-round trade
- The building not meeting modern day business requirements
- The location not being prominent enough for businesses requiring regular foot traffic
- Limited shelter from the elements at a seafront location

Justice & Co specifically concluded that enquiries tailed off following the initial marketing period, and that the location does not provide the consistent year-round customer base that a viable hospitality business requires. These observations are entirely consistent with the experience of the former tenant, whose business failed at the same premises under the same locational and trading conditions.

6.8 Independent Professional Conclusions

Both agents, acting independently of each other, reached the same professional conclusion.

Nichola Charles of Jacobs Steel Commercial (signed statement, 17 April 2026) concludes: that the property has not attracted sufficient demand to demonstrate a realistic prospect of reletting as a bar or similar hospitality use; that continued marketing for the same use is unlikely to produce a materially different outcome in the near future unless the premises are offered on substantially compromised terms which may themselves be commercially unattractive or unsustainable for the landlord; and that the former bar use is no longer a realistically viable letting proposition on normal commercial terms. That opinion is based not on assumption, but on the actual results of a period of open market exposure, direct engagement with prospective occupiers, the limited quality of demand received, and the absence of any successful reletting.

Jon Justice, Managing Director of Justice & Co Commercial Ltd (signed letter, 15 April 2026) concludes: that the building does not meet the modern day requirements of businesses; that the location is not prominent enough for businesses requiring regular foot traffic; that this is a seasonal location with limited shelter from the elements; and that it is their recommendation that consideration be given to a residential conversion.

These are independent professional opinions from appropriately qualified commercial agents with specific knowledge of the Worthing commercial property market. They are supported by a detailed, documented audit trail of marketing activity, enquiry records, viewing logs, and offer histories. They carry very significant weight in planning terms.

6.9 Effect of Continued Vacancy

A vacant commercial unit does not contribute positively to the vitality of the seafront, the function of the area, or the appearance of the building. Prolonged vacancy in a Conservation Area setting risks visual decline, the impression of commercial failure on a prominent seafront frontage, underuse of an existing building, and missed opportunity for beneficial and viable use. The proposed residential use would bring the unit back into active, permanent occupation, improve passive surveillance of the building and its surroundings, and secure the long-term care and maintenance of a historic seafront property.

6.10 Conclusion on Commercial Viability

The evidence assembled in this section is exceptional in its depth and detail. It demonstrates beyond reasonable doubt that:

- The commercial use failed in actual operation under a recent tenant who invested significantly in the premises
- The premises have been vacant since 29 September 2025
- The property was marketed continuously by two independent agents from October 2025 to April 2026
- The marketing was extensive, professional and multi-channel, reaching over 800 direct contacts plus national online portals
- The asking rent was reduced by 20% from £25,000 to £20,000 per annum with additional incentives offered
- 137 enquiries were received but converted into only 11 viewings and 5 formal offers, none of which concluded
- Every offer received either withdrew or was rejected for fundamental commercial reasons
- Market feedback consistently identifies structural constraints affecting viability at this specific location
- Two independent qualified agents have each concluded there is no realistic prospect of reletting the premises in commercial use

In these circumstances, the purpose of commercial protection policy is not served by requiring the indefinite retention of a demonstrably failed and vacant use. Planning policy does not require the preservation of vacancy. The planning balance overwhelmingly supports the proposed change of use to residential.

7. HERITAGE, DESIGN, AMENITY AND ACCESS ASSESSMENT

7.1 Introduction

Having established that the proposed loss of the former commercial use is justified on viability grounds, this section assesses the physical and operational impacts of the proposed residential conversion.

7.2 Heritage Assessment

7.2.1 Heritage Context

The application site lies within the South Street Conservation Area. The Marine Parade frontage is characterised by its 19th-century seaside identity, defined by stuccoed facades, sliding sash windows, decorative cornices, and a consistent building line reflecting Worthing's development as a fashionable Georgian and Victorian resort.

The building at number 42 is not individually listed, but it forms part of a row of buildings which contributes significantly to the seafront townscape. The building sits adjacent to Grade II listed Regency terraces and is in close proximity to the Grade II Listed Worthing Pier. The Conservation Area Appraisal and Management Plan identifies the Marine Parade frontage as a key vista and defines the terrace form, consistent building height, and traditional architectural detailing as core elements of significance.

7.2.2 Understanding of Significance

The significance of the Conservation Area in this location derives from:

- The historic seafront townscape and the Marine Parade frontage as a coherent architectural ensemble
- The continuity of the terrace form, its consistent building heights and architectural rhythm
- The traditional scale, proportions and materials of the buildings — stucco render, sash windows, decorative cornices, traditional timber joinery
- The relationship between the built form and the promenade — buildings designed to address the sea and to frame the seafront experience
- The historic evolution of Worthing as a fashionable Georgian and Victorian seaside resort, of which Marine Parade is the primary surviving expression
- The social history of the buildings as lodging houses, hotels and high-status residences serving the resort economy

7.2.3 Policy Framework

The NPPF (paragraphs 205–214) gives great weight to the conservation of designated heritage assets, including Conservation Areas. Paragraph 206 requires decision-makers to assess whether a proposal would preserve or enhance the character or appearance of the Conservation Area. Paragraph 208 provides that where less than substantial harm is identified, this must be weighed against the public benefits of the proposal.

Historic England's published guidance — including 'Conservation Principles, Policies and Guidance' (2008) and 'Managing Significance in Decision-Taking' (2015) — informs the approach to heritage assessment. This statement follows the approach of first understanding the significance of the heritage asset, then assessing the impact of the proposed works on that significance.

7.2.4 Impact on the Conservation Area

The proposal has been designed with the explicit objective of avoiding any harmful impact on the significance of the Conservation Area in which it sits. This has been achieved as follows:

- The principal seafront elevation of the building (Marine Parade, south) is entirely unchanged. This is the defining element of the building's contribution to the Conservation Area and to the Marine Parade townscape. No change to the roofline, facade, fenestration, cornices, or any other architectural feature of the principal elevation is proposed.
- No change is proposed to the height, massing, footprint or roof form of the building. The historic building line, terrace rhythm and scale relationships are fully preserved.
- The limited external alterations — the adaptation of a window to a door on the west elevation and the upgrading of the rear door — are confined to secondary elevations, executed in traditional materials matching the existing building, and are of a scale and nature that would not be visible from the principal Marine Parade frontage.
- The western courtyard landscaping will enhance the appearance of the Montague Place side of the building, replacing a disused commercial service area with an attractive planted courtyard.

7.2.5 Impact on Setting of Listed Buildings

The proposal does not affect the setting of the adjacent Grade II listed Regency terraces or the Grade II Listed Worthing Pier. The setting of these designated assets is defined by the scale, form and character of the Marine Parade frontage as a whole. Since the proposal introduces no change to the principal facade, no change to the building's height or massing, and no change to the terrace form or continuity of frontage, it does not affect the setting of any listed building. No harm to designated heritage assets in the vicinity arises from the proposal.

7.2.6 Heritage Conclusion

The proposal preserves the character and appearance of the South Street Conservation Area. It causes no harm to the significance of any designated heritage asset, including the Conservation Area itself, the adjacent listed terraces, or the Grade II Listed Worthing Pier. There is accordingly no requirement for a harm-versus-benefits balancing exercise under NPPF paragraph 208. The proposal satisfies Policy DM15 of the Worthing Local Plan 2023 and the heritage requirements of the NPPF.

7.3 Amenity Assessment

7.3.1 Existing Residents

The proposed development would materially improve the amenity relationship within the building. The former bar use had the potential to generate amenity conflict with the residential occupiers of the four upper-floor flats through customer arrival and departure, late-evening activity, music or amplified sound, external congregation, servicing and deliveries, and waste storage and collection. The proposed residential use removes all of these potential conflicts, creating a wholly residential building in which the ground floor and upper floor uses are fully compatible.

7.3.2 Neighbouring Occupiers

The proposal involves no extensions or additional massing and would not cause overbearing impact, loss of outlook, or loss of light to neighbouring occupiers. The residential use is compatible with surrounding residential accommodation and generates a materially lower level of operational impact than the former bar use.

7.3.3 Future Occupiers

The proposed flats provide an acceptable standard of accommodation for future occupiers. The ground floor location, combined with the corner position of the building (affording dual-aspect outlook) and private courtyard amenity space, provides satisfactory living conditions. Future occupiers will benefit from a highly accessible location immediately adjacent to the seafront promenade, within easy walking distance of Worthing town centre, public transport, shops, services, and leisure facilities.

8. PLANNING BALANCE AND CONCLUSION

8.1 Introduction

This application must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF establishes a presumption in favour of sustainable development, and permission should be granted unless the application conflicts with the development plan when read as a whole, or any adverse impacts would significantly and demonstrably outweigh the benefits.

8.2 Benefits of the Proposal

The proposal gives rise to the following clear, immediate and policy-aligned benefits:

- Reuse of a vacant commercial unit — bringing a vacant ground floor back into active, beneficial use and avoiding the negative consequences of prolonged vacancy in a Conservation Area setting
- Delivery of housing — providing two additional residential units in compliance with the NDSS, contributing to Worthing's housing supply
- Sustainable location — the site is highly accessible by foot to the town centre, public transport, seafront and local services, making it ideally suited to residential use
- Efficient use of existing buildings — avoiding the need for new development on undeveloped land by making use of an existing building
- Removal of a failed commercial use — replacing a demonstrably non-viable use with a viable residential one

- Improvement to residential amenity — removing the potential for amenity conflict between a bar use and the existing upper-floor residential occupiers
- Preservation of the Conservation Area — achieving the physical improvements described above with no harm to the character or appearance of the Conservation Area
- Long-term viability — securing the permanent occupation and proper maintenance of the building

8.3 Identified Harm

The only potential harm identified is the loss of the ground floor commercial use. This harm must be weighed in context. The use is already vacant. The use has failed in actual operation. The premises have been extensively marketed. The rent has been reduced. No tenant has been secured. Market feedback identifies structural constraints. Independent agents confirm the absence of realistic commercial prospects.

The loss of the commercial use is therefore not the loss of a successful or functioning use. It is the loss of a vacant, failed and non-viable use. The weight to be attributed to this harm is therefore limited, justified, and fully evidenced.

8.4 Planning Balance

The benefits of the proposal — delivering housing, reusing a vacant building, improving amenity, preserving the Conservation Area, and securing a viable long-term use — are clear, multiple, and substantial.

The harm — the loss of a demonstrably failed commercial use — is limited in nature and already realised through the existing vacancy.

The benefits of the proposal significantly and demonstrably outweigh any harm identified. The proposal accords with the development plan when read as a whole and with the National Planning Policy Framework.

8.5 Final Conclusion

The proposed development represents a logical, sustainable and policy-compliant reuse of the premises. The evidence demonstrates that the existing commercial use has failed in both operation and market terms, that the premises have been thoroughly tested and found to be non-viable for commercial use, and that there is no realistic prospect of re-letting.

The proposed residential conversion will bring the property back into active use, deliver two good-quality residential units compliant with national space standards, improve the amenity relationship within the building, and preserve the character of the Conservation Area without any physical harm.

Planning permission should therefore be granted.
