

Planning Statement in Support of Application AWD/0015/26 for a Lawful Development Certificate (Proposed Use)

21 Kings Walk, Shoreham by Sea, BN43 5LG

Proposal: Amalgamation of two self-contained flats into one single dwellinghouse.

1. Introduction

This Planning Statement is submitted in support of an application for a Lawful Development Certificate (LDC) under Section 192 of the Town and Country Planning Act 1990.

The application seeks confirmation that planning permission is not required for the proposed change of use of the property from two self-contained flats into one single residential dwellinghouse.

2. Site and Existing Use

The property is currently in lawful residential use comprising two self-contained flats. The existing use of each flat falls within Use Class C3 (Dwellinghouses) as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).

The building is wholly residential in character and function.

3. Proposed Development

The proposal involves the internal amalgamation of the two existing flats to create one single dwellinghouse.

- No external alterations are proposed
- No extensions or changes to the building envelope are required
- The residential use of the building will be retained at all times

The proposal is therefore limited entirely to internal works and a reconfiguration of residential accommodation.

4. Legislative and Use Class Considerations

4.1 Definition of Development

Under Section 55 of the Town and Country Planning Act 1990, development includes a material change in the use of land or buildings.

However, not all changes in use constitute development. A change must be material to require planning permission.

4.2 Use Class C3

Both the existing use (two flats) and the proposed use (one dwellinghouse) fall within Use Class C3. The proposal does not introduce a new or different use class.

The consolidation of two residential units into a single dwellinghouse:

- Does not result in an intensification of use
- Does not introduce additional activity, noise, or disturbance
- Does not alter the character of the use of the land

Established planning practice and appeal decisions confirm that the amalgamation of dwellings within the same use class is not normally regarded as a material change of use.

5. Local Planning Policy Context

5.1 Adur Local Plan (Adopted 2017) / Worthing Local Plan (Adopted 2023)

The adopted Local Plans for Adur and Worthing seek to manage development in a way that protects residential amenity, character, and the efficient use of land.

The proposal complies with the overarching objectives of both plans as:

- The use of the building remains residential
- There is no physical development
- There is no impact on the character or appearance of the area
- There is no harm to neighbouring amenity

While local plan policies relating to housing supply and the retention of residential units are material planning considerations for applications requiring planning permission, they are not determinative where the proposal does not constitute development in the first place.

The LDC process is concerned solely with the lawfulness of the proposal, not with planning balance or policy compliance.

5.2 External Impacts

Given that no external alterations are proposed, the development raises no conflict with:

- Design or character policies
- Amenity policies
- Parking or highways policies

6. Planning Judgment and Lawfulness

The proposal does not constitute development for the purposes of Section 55 of the Act because:

- The use remains within Use Class C3
- There is no material change in the character of the use
- No external or operational changes arise

As such, the proposal is lawful and does not require planning permission.

7. Conclusion

As confirmed above:

- The proposed amalgamation of two flats into one single dwellinghouse does not amount to development
- Planning permission is not required
- The proposal is lawful under planning legislation

It is therefore respectfully requested that the Local Planning Authority grants a Lawful Development Certificate (Proposed Use) under Section 192 of the Town and Country Planning Act 1990.