

PLANNING APPEAL STATEMENT

The Hollies, 83 Little High Street, Worthing, West Sussex BN11 1DH

Local Planning Authority reference: **AWDM/1450/25**

Appellant: **Mr Matthew Dowling**

1. Introduction

This appeal is made against Worthing Borough Council's refusal, dated 3 March 2026, of planning application AWDM/1450/25 for the change of use of The Hollies to a single dwelling house (Use Class C3).

The appeal is focused on the Council's sole reason for refusal. Since that decision, the Council has issued a Certificate of Existing Lawful Use under reference AWDM/0520/26, dated 26 August 2026. The Certificate establishes the lawful planning status of the building as Use Class E and directly addresses the evidential uncertainty identified in the refusal.

2. The sole reason for refusal

The Decision Notice refused the application because, in the absence of robust evidence, the Local Planning Authority was not satisfied that it had been satisfactorily demonstrated that the property was no longer required or viable as a community facility, contrary to Policy DM8 of the Worthing Local Plan (2023) and the National Planning Policy Framework.

The Delegated Officer Report explains the evidential issue underlying that reason. The report treated the former social-centre use as the last established lawful use because evidence had not then been provided to demonstrate when that use ceased and whether the subsequent uses were lawful.

3. The Council's assessment of other planning matters

The Delegated Officer Report records that the proposed dwelling would make a small contribution to the borough's housing supply. It also concludes that the change of use would not result in adverse residential amenity impacts and notes that cessation of the business use would remove customer visits, deliveries and associated traffic movements.

The report further records that the Local Highway Authority raised no objection on highways grounds, that off-street parking is available, and that there is space to the rear for refuse storage. None of those matters formed part of the Council's reason for refusal.

4. Certificate of Existing Lawful Use - AWDM/0520/26

Following the refusal, the appellant applied for a Certificate of Existing Lawful Use. On 26 August 2026 Worthing Borough Council granted AWDM/0520/26.

The Certificate records that the Local Planning Authority is satisfied, on the balance of probabilities, that the change of use from a social centre to commercial Use Class E occurred more than 10 years ago, and that the building can now be considered to be Use Class E and lawful for planning purposes.

This determination directly addresses the evidential issue identified in the sole reason for refusal. The March 2026 decision proceeded on the basis that the evidence then before the Council did not establish when the social-centre use had ceased or whether the subsequent uses were lawful. The

subsequent statutory Certificate now establishes that position.

The appellant therefore respectfully submits that the factual uncertainty which underpinned the Policy DM8 refusal has been resolved by the Local Planning Authority's own subsequent lawful-use determination.

5. Relevance of the post-decision evidence

AWDM/0520/26 post-dates the decision under appeal and is expressly identified as post-decision evidence. The Certificate had not been issued at the date of the original decision and therefore could not have been before the Council in its present form.

The Certificate does not alter the appeal scheme or introduce a different development proposal. The proposal remains the change of use determined under AWDM/1450/25. The Certificate is relied upon because it resolves the specific planning-status question on which the sole reason for refusal was based.

6. Policy DM8

Policy DM8 was relied upon in the refusal on the basis that the property should be treated as a community facility whose loss had not been justified. The subsequent Certificate establishes that the former social-centre use changed to commercial Use Class E more than 10 years ago and that the Class E use is lawful for planning purposes.

In light of that statutory determination, the appellant respectfully submits that the factual premise relied upon in applying Policy DM8 in the refusal has been overtaken by the Council's own determination of the lawful Class E use.

7. Conclusion

The Council's refusal contains a single reason arising from uncertainty over the lawful cessation of the former social-centre use and the lawfulness of subsequent commercial use. That uncertainty has now been resolved by Certificate AWDM/0520/26, issued by Worthing Borough Council on 26 August 2026, confirming that the change from social centre to commercial Use Class E occurred more than 10 years ago and that the Class E use is lawful for planning purposes.

The appellant therefore respectfully requests that the Inspector takes the subsequent lawful-use Certificate into account, concludes that the evidential basis of the sole reason for refusal has been resolved, and allows the appeal.

Documents relied upon

1. Decision Notice - AWDM/1450/25, dated 3 March 2026.
2. Delegated Officer Report - AWDM/1450/25.
3. Original Planning Statement and application documents submitted with AWDM/1450/25.
4. Certificate of Existing Lawful Use - AWDM/0520/26, dated 26 August 2026.
5. Relevant post-refusal Council correspondence concerning the lawful-development-certificate route.