

16 June 2026

Arun District Council
Arun Civic Centre, Littlehampton

Dear Sir/Madam

1a Brewery Hill, Arundel, West Sussex, BN18 9DQ

This cover letter is submitted in support of a Section 192 application which is hereby made for a Certificate of Lawfulness for the *'Proposed use of the dwellinghouse either by the lawful owners' family or for short term residential occupation exclusively by a single family or booking group at any one time'*.

Relevant Planning History

On 14 September 1987, planning permission was granted under Application Reference AB/94/87 for a proposed scheme of development described as follows:

'Demolition of existing office and shed and erection of two new townhouses'

On 29 February 1988, planning permission was granted under Application Reference AB/11/88 for a proposed scheme of development described as follows:

'Revision of existing permission No. AB/94/87 to include fire escape at rear'

For ease of reference, copies of the decision notices and approved drawing sets for both applications are enclosed. It is important to acknowledge that the 1988 permission has been implemented and although the townhouse that is the subject of this application has undergone some alterations to its internal layout, it has remained in continuous C3(a) use since its first occupation nearly 40 years ago.

The below accurately depicts the application property's internal layout as it exists today.



Town and Country Planning Act 1990 (as amended)

Section 192 of the Town and Country Planning Act 1990 states: -

(1) If any person wishes to ascertain whether—

(a) any proposed use of buildings or other land; or

(b) any operations proposed to be carried out in, on, over or under land,

would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

(2) If, on an application under this section, the local planning authority are provided with information

satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(3) A certificate under this section shall—

(a) specify the land to which it relates;

(b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);

(c) give the reasons for determining the use or operations to be lawful; and

(d) specify the date of the application for the certificate.

(4) The lawfulness of any use or operations for which a certificate is in force under this section shall

be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.

Town and Country Planning (Use Classes) Order 1987 (as amended)

Schedule 1, Part C of the Town and Country Planning (Use Classes) Order 1987 defines: -

Class C3. Dwellinghouses

Use as a dwellinghouse (whether or not as a sole or main residence) by—

(a) a single person or by people to be regarded as forming a single household;

(b) not more than six residents living together as a single household where care is provided for residents; or

(c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4).

Planning Assessment

Section 55 of Town and Country Planning Act 1990 defines: -

Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

Therefore, for a change of use to be development, it needs to be a material change. Section 336(1) of the Town and Country Planning Act 1990 defines the meaning of 'use' but the concept of a 'material change of use' is not defined in statute. As established in case law, the basic approach is that for a material change of use to have occurred, there must be some significant difference in the character of the activities, from what has gone on previously, as opposed to a change in the particular purpose of a particular occupier. The assessment is, therefore, clearly a matter of fact and degree, and is for the decision maker to determine on the available evidence before them and the individual merits of a case.

It was held in *Moore v Secretary of State for Communities and Local Government* [2012] EWCA Civ 2101 that the use of a dwellinghouse for commercial holiday lettings will not always amount to a material change of use, nor is it the case that such a use can never amount to a material change of use. To establish whether a material change of use would occur, a comparison between the established use and the proposed use needs to be made - specifically on the character of associated activities.

When not in use by the property owners, the townhouse would be let out on a 'whole property' basis, as a single booking at any one time - giving occupants the exclusive use of the property. Other than the property owners, other occupants of the dwelling house will be either a single household or members of a family group. There will be no room-by-room letting and no hotel-type services provide.

The property comprises a typical family-sized townhouse which offers 3no. bedrooms - providing a maximum of 6no. bed spaces. Its layout (both internal and external) requires occupants to share all communal spaces. Consequently, it could only ever realistically be occupied and used by up to a maximum of 6no. persons living together as a single household - whether they be owners or renters.

For all of the above reasons, it is respectfully argued that any differences in the pattern of arrivals and departures of persons from the property, along with any associated traffic movements would be negligible and not differ significantly from what has always been the case for the application property.

It is therefore important to recognise that the character of activities associated with the proposed 'dual use' of the property will not materially differ from those which have gone on previously and essentially, they would constitute what would reasonably be expected from a dwellinghouse that is in C3(a) use.

On this basis, the proposed use of the dwellinghouse either by the lawful owners or for short term residential occupation exclusively by a single family or booking group at any one time, with no staff, reception facilities, catering, events or other commercial services would not constitute a material change of use by virtue of it not being development. Consequently, the proposed use of the property would be lawful and officers are therefore respectfully invited to issue a certificate of lawfulness.

We trust the above and enclosed is clear, but should you have any questions, please do let us know.

Yours faithfully

BRETT MOORE MRTPI
DIRECTOR
MOORE PLANNING

Enc. Location Plan
 Application Ref. AB/94/87: Decision Notice and Approved Scheme Drawings
 Application Ref. AB/11/88: Decision Notice and Approved Scheme Drawings
 CIL Form 1