

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development

REF NO: AB/35/26/CLP

LOCATION: 1A Brewery Hill
Arundel
BN18 9DQ

PROPOSAL: Lawful development certificate for a proposed use of dwelling either by the lawful owners' family or for a short term residential occupation exclusively by a single family or booking group at one time.

DESCRIPTION OF APPLICATION

This application seeks a Lawful Development Certificate for a proposed use of dwelling either by the lawful owners' family or for a short term residential occupation exclusively by a single family or booking group at one time.

RELEVANT SITE HISTORY

REPRESENTATIONS

Representations Received:

CONSULTATIONS

Consultations Responses Received:

LEGISLATIVE BACKGROUND

Section 192(2) of the Town and Country Planning Act 1990 states:-

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.

In this instance the proposed works will be assessed against the Town and Country Planning (Use Classes) Order 1987 (as amended) (hereby referred to as the Use Classes Order), in particular:.

- Schedule 1, Class C3. Dwellinghouses.

Provided the proposed works satisfy the relevant criteria, and that no restrictive conditions to development have been imposed on the site, the proposed works will constitute Permitted Development and would not require planning permission. If the works fail to accord with the criteria then planning permission will be required for them to take place.

CONCLUSION

The proposed use of a dwellinghouse for family or short term residential occupation exclusively by a single family or booking group at one time falls to be assessed under Schedule 1, Class C3 the Town and Country Planning (Use Classes) Order 1987 (as amended).

Class C3. Dwellinghouses

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

(a) by a single person or by people living together as a family, or

(b) by not more than 6 residents living together as a single household (including a household where care is provided for residents).

No alterations to the external appearance of the building are proposed, nor are any structural changes are proposed to the building.

An application for a Lawful Development Certificate has been submitted for the proposed use of 1A Brewery Hill, a Class C3 dwellinghouse, by the lawful owners' family and/or for short-term residential occupation by a single family or booking group at any one time. The submitted covering letter states that the proposal would not result in a material change in the use of the building. The issue is whether the proposed short-term occupation would, as a matter of fact and degree, be materially different from the lawful use as a dwellinghouse.

In *Safdar v Milton Keynes Council* (June 2024) (APP/Y0435/X/23/3332075), the Inspector confirmed that material change of use is not defined in statute and must be assessed as a matter of fact and degree. There must be a significant difference in the character of the activities at the property compared with its existing lawful use.

1A Brewery Hill is a three-storey terraced dwellinghouse with 3 No. bedrooms, 2 No. bathrooms, living/dining accommodation over the first and second floors, and a ground-floor kitchen. No internal or external alterations are proposed, so the building's physical character would remain residential.

The covering letter explains that the property would be let as a whole property, with only one booking at any time. This is important because the property would not be subdivided, occupied as separate units, or used by multiple independent booking groups, so the pattern of occupation would remain comparable to one family or household group.

In *Safdar v Milton Keynes Council* (June 2024) the appeal was concerned with short-term rental accommodation for up to fourteen people. The Inspector found this materially different from C3 use, noting that a single dwellinghouse would commonly accommodate around six people, even as a large family. This distinction is important because 1A Brewery Hill would accommodate up to six guests within

3 No. bedrooms, a level of occupation consistent with a family or household in a C3 dwellinghouse.

Appeal Buchanan & Gates v Salford City Council (July 2025) (APP/U4230/X/24/3356560) is directly relevant. The Inspector considered a whole-property short-term let accommodating up to six guests in 3 No. double bedrooms. Although some groups may comprise unrelated guests rather than a single household, the Inspector found that the relevant question was whether this amounted to a material change of use. Given the scale of occupation, the use remained comparable to residential occupation of a dwellinghouse.

The Inspector accepted that regular changeovers would be the main difference from owner occupation. However, with no more than six guests, the associated comings and goings were unlikely to be materially different from those of a family of six. The Inspector also found that occupation limited to six guests was unlikely to cause unneighbourly activity, noise, or disturbance materially beyond that associated with permanent residential occupation by a large family.

Taken together, these appeal decisions show that short-term letting does not automatically amount to a material change of use. The key question is whether the scale, intensity, comings and goings, noise, disturbance, and overall residential character are materially different from use as a dwellinghouse.

Although the applicant has not confirmed the precise frequency or duration of short-term lets, the latter appeal indicates that frequent short-term occupation is not necessarily materially different where the associated activity remains comparable to a dwellinghouse. On the submitted facts, the likely movements to and from 1A Brewery Hill would not be materially different from the normal family occupation.

Overall, the proposed use of 1A Brewery Hill would retain the essential characteristics of a single dwellinghouse. The property would be occupied as one unit, by one family or booking group at a time, with occupation limited to a scale comparable to a family household. It would not introduce a materially different pattern or intensity of use, noise, disturbance, comings and goings, or physical arrangement. Accordingly, the proposal would not amount to a material change of use and does not constitute development.

The proposed short-term residential occupation by a single family or booking group complies with Section 192(2) of the Town and Country Planning (Use Classes) Order 1987 (as amended), in that short-term residential occupation falls under the same use class (C3) and would not constitute development nor a material change of use. The proposed use is lawful and does not require the submission of a planning application.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 19 June 2026 the use described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged in black on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reason of compliance with the relevant criteria within Schedule1, Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

FIRST SCHEDULE

The proposed short term residential occupation exclusively by a single family or booking group at one

time as shown on the following plan:

- Location Plan.

SECOND SCHEDULE

1A Brewery Hill, Arundel, West Sussex, BN18 9DQ.

EXTENT OF USE

Lawful Development Certificate for a proposed use of dwelling either by the lawful owners' family or for a short term residential occupation (holiday let) exclusively by a single family or booking group at one time.

AB/35/26/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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