

Application for Lawful Development Certificate for an Existing Use or Operation or
Activity including those in breach of a planning condition.

DECISION NOTICE

Application Ref: BE/122/25/CLE

To Addressee

Phil Rowe
Melton Lodge
Rusper Road
Newdigate
RH5 5BX

Site Address

Land to the East of Heath Place Business Centre
Heath Place
Bersted
PO22 9SL

Description of Application

Lawful development certificate for the existing use of the land for the parking and storage of vehicles, trailers and lorry bodies, the siting of storage containers and portable buildings and the storage of imported inert soils for more than 10 years.

In pursuance of their powers under this Act and these Regulations the Council **REFUSE** to certify that the development described above is Lawful for the reasons stated below.

- 1 The applicant has failed (as judged on a balance of probability) to prove that the land has been used continuously in the ten year period between 10 October 2015 to 10 October 2025 for the parking and storage of vehicles, trailers and lorry bodies, the siting of storage containers and portable buildings, and for the storage of imported inert soils by reason of:
 - (a) The evidence solely comprises of aerial photos with no corroborating evidence.
 - (b) The aerial photos themselves do not support the asserted 10-year use of all of the land.
 - (c) The submitted evidence from interested persons and other sources conflicts with the applicants own evidence.

Notwithstanding, in accordance with section 191(2)(b) of the Town and Country Planning Act 1990 (as amended), it is not possible to grant a Certificate of Lawfulness where the proposed operations and uses constitute a contravention of the requirements of an Enforcement Notice presently in force.



Neil Crowther
Group Head of Planning

Case Officer: Mr S Davis

Decision Issued: **4th December 2025**

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

RIGHTS OF APPLICANTS AGGRIEVED BY DECISION OF LOCAL PLANNING AUTHORITY

TOWN AND COUNTRY PLANNING ACT 1990

By Section 195 (as amended) of the Town and Country Planning Act 1990, where an application is made to a Local Planning Authority under Sections 191 or 192 and is refused, or is refused in part, the applicant may by notice under this subsection appeal to the Secretary of State and on any such appeal the Secretary of State:-

- a) if and so far as he is satisfied that the Authority's refusal is not wellfounded, grant to the appellant a Certificate under Section 191/192 accordingly or, as the case may be, modify the certificate granted by the Authority on the Application; and
- b) if and so far as he is satisfied that the Authority's refusal is wellfounded, dismiss the appeal.

If you wish to appeal to the Secretary of State you should write in the first instance to The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

There is no time limit for submission of an appeal following the Authority's decision.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on highway land).