

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

REF NO: BR/153/25/CLE

LOCATION: 50-52 Chichester Road
Bognor Regis
PO21 2XJ

PROPOSAL: Lawful development certificate for the existing use of part of the ground floor and upper floor as a residential unit.

DESCRIPTION OF APPLICATION

This application seeks a lawful development certificate for the existing use of part of the ground floor and upper floor as a residential unit.

SITE AND SURROUNDINGS

The site is a terraced property with a takeaway unit on the ground floor of the northern portion of the building.

RELEVANT SITE HISTORY

BR/252/01/CLE	Application for a Certificate of Lawfulness for an existing use for hot food chinese takeaway (A3 Use).	Approve 16-10-01
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BR/397/90	Kitchen and W.C. extension	ApproveConditionally 02-01-91
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It is noted that a Lawful Development Certificate was granted in 2001 for residential use of the part of the building.

REPRESENTATIONS

Representations Received:

Bognor Regis Town Council
No objection.

Comments on Representations Received:

Comments noted.

CONSULTATIONS

Consultations Responses Received:

LEGISLATIVE BACKGROUND

Section 191(4) 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 of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

CONCLUSION

Section 191(2) states that the Local Planning Authority should grant a Lawful Development Certificate for development against which no enforcement action can be taken, either because the matter for which the certificate is sought is not development as defined under s55, does not require planning permission, or because time during which the council could enforce against the development has expired.

The application seeks to confirm the use of the whole of the first floor and the southern part of the ground floor as residential. The portion of the ground floor which is in residential use is at 50 Chichester Road, with the first floor residential accommodation spanning nos. 50 and 52. This includes more of the ground floor of the building than the previous certificate, granted in 2001.

Various evidence has been submitted in support of this application including council tax information and utility bills. These documents are dated from between 2019 and 2025.

It is clear from the evidence submitted and the planning history that part of the building has been in residential use for a considerable period. According to the previous certificate, the first floor and part of the ground floor of the property has been in residential use since 1991.

The evidence judged on a balance of probability is sufficient and unambiguous. Although the use of specific rooms within the property is difficult to prove via written evidence, the LPA has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version less than probable. There is therefore no good reason to refuse the application.

It is therefore recommended that the certificate is granted in accordance with the following terms.

RECOMMENDATION

APPROVE

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, was lawful within the meaning of section 191 of the Town & Country Planning Act 1990 by reason that at the date specified above, the first floor and southern half of the ground floor has been in residential use for a continuous period of 4 years.

FIRST SCHEDULE

Existing use of the first floor and southern half of the ground floor as residential accommodation, as indicated on the plans.

- Location Plan
- Block Plan
- Existing plans and elevations 01

SECOND SCHEDULE

50-52 Chichester Road, Bognor Regis, PO21 2XJ.

EXTENT OF USE

Existing use of the first floor and southern half of the ground floor as residential accommodation.

BR/153/25/CLE - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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