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Arun District Council, Civic Centre, Maltravers Rd, Littlehampton, West Sussex, BN17 5LF
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From: Joe Hartley [REDACTED]
Sent: 28 September 2026 12:22
To: Planning <Planning@arun.gov.uk>
Subject: OBJECTION TO PLANNING APPLICATION: BR/153/26/CLP

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OBJECTION TO PLANNING APPLICATION: BR/153/26/CLP

Proposal: Application for a Certificate of Lawfulness for a proposed change of use from an 18-bed student accommodation to an 18-bed House in Multiple Occupation (HMO).

Determination Date: 16 October 2026

Dear Sir/Madam,

I am writing to formally object to the application for a Certificate of Lawful Development (Proposed) under reference **BR/153/26/CLP**.

While I recognize that a Lawful Development Certificate process is a legal assessment of whether the proposed development is lawful without requiring explicit planning permission, I contend that the application fails to meet the legal requirements for a Section 192 certificate for the reasons set out below.

1. Material Change of Use (Sui Generis Assessment)

The applicant relies on the premise that the transition from student accommodation to an 18-bed Large HMO does not constitute a material change of use. However, both large student accommodation facilities and HMOs accommodating more than six residents are categorized as **Sui Generis** uses (uses falling outside standard use classes under the Town and Country Planning (Use Classes) Order 1987, as amended).

Under planning law, a change from one Sui Generis use to another Sui Generis use inherently requires a formal application for planning permission unless explicitly exempted by Permitted Development rights. There are no Permitted Development rights that grant a automatic change of use between two distinct Sui Generis categories—specifically from purpose-built/managed student accommodation to a large commercial HMO. Because this constitutes a **material change of use**, a Certificate of Lawfulness cannot legally be granted.

2. Operational and Environmental Impact Differences

Even if evaluated on the facts and degree of use, the operational character and off-site impacts of an 18-bed HMO differ significantly from an 18-bed student residence:

- **Tenancy Patterns & Intensity:** Student accommodation typically operates under centralized institutional management, seasonal/academic lease cycles, and strict tenancy conduct rules. Conversely, an 18-bed HMO operates as an unmanaged, year-round residential unit with independent high-turnover tenancies, generating substantially higher baseline vehicle movements, visitor traffic, and daily activity.
- **Refuse & Waste Management:** An 18-bed HMO requires dedicated, commercial-scale refuse storage and collection arrangements. Without managed infrastructure, the intensification of waste will result in unacceptable impacts on local amenity, visual harm, and public health risks.
- **Parking and Highways Safety:** The shift from a student population (who statistically rely more on institutional or active transport) to 18 independent adult working tenants will generate a significant increase in private vehicle ownership and parking demand, exacerbating local highway safety and parking stress in the immediate area. The road is already used by staff members of both retirement homes and other members of the public to either walk into town or commute to London

3. Circumvention of HMO Policy & Standards

Granting a Certificate of Lawfulness would bypass essential planning scrutiny under Arun District Council's Local Plan policies regarding HMO concentration, residential amenity, noise insulation, space standards, and highway safety. A full planning application (Sui Generis) is required so that the council can properly assess the impact on neighborhood character, amenity, and infrastructure.

Conclusion

In light of the above, the proposed change of use constitutes a **material change of use** requiring full planning permission. It cannot be considered lawful under Section 192 of the Town and Country Planning Act 1990.

I respectfully request that Arun District Council **refuse** the application for a Certificate of Lawfulness (BR/153/26/CLP) and require the applicant to submit a full planning application.

Please keep me informed of any updates or the decision regarding this application.

Sincerely, Joe Hartley.

Resident and home owner on Highfield Road