

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** BR/153/26/CLP**LOCATION:** 1 Highfield Road
Bognor Regis
PO22 8BQ**PROPOSAL:** Application for a certificate of lawfulness for a proposed change of use from 18 bed student accommodation to 18 bed HMO.**DESCRIPTION OF APPLICATION**

The application seeks a certificate of lawfulness for change of use from 18 bed student House in Multiple Occupation (HMO) to 18 Bed HMO.

RELEVANT SITE HISTORY

BR/42/22/PL	Change of use from public house (Sui Generis) to an 18-bed student accommodation. This application is in CIL Zone 4 (Zero Rated) as other development.	App Cond with S106 17-06-22
BR/169/22/DOC	Approval of details reserved by condition imposed under ref BR/42/22/PL relating to Condition No 8 - Student Accommodation Management Plan.	DOC Approved 09-09-22

REPRESENTATIONS**Representations Received:**

Four letters of objection received:

- Proposed change from student accommodation to an 18-bed HMO is a material change of use and should require full planning permission.
- Concerns that a Certificate of Lawfulness is not the correct process and the proposal may not be lawful.
- Potential increase in noise, disturbance and anti-social behaviour.
- Increased vehicle and pedestrian movements affecting neighbouring residents.
- Additional pressure on on-street parking and potential highway safety issues.
- Concerns over refuse storage and waste management for 18 occupants.
- Harm to the character of the area and neighbouring residential amenity.
- Doubts over whether existing access, parking and servicing arrangements are adequate.

- Concerns about the lack of detail regarding management arrangements for the property.
- View that granting a CLP would avoid full planning scrutiny of amenity, parking and HMO impacts.
- Requests for clarification on occupancy levels, parking, refuse and management measures.
- Local residents have not been consulted.
- Potential occupants and perceived impacts on neighbours and local facilities.

Comments on Representations Received:

Comments noted. The application seeks a Certificate of Lawfulness and is therefore limited to determining whether the proposal would constitute a material change of use.

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 Section 55(2) of the Town and Country Planning Act 1990 (as amended) regarding the meaning of development. This legislation states that:

(2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land-

- (a) the carrying out for the maintenance, improvement or other alteration of any building of works which-
 - (i) affect only the interior of the building, or
 - (ii) do not materially affect the external appearance of the building.

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

Section 55 of the Town and Country Planning Act 1990 (as amended) states -

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.

(1A) For the purposes of this Act " building operations " includes:

- (a) demolition of buildings;
 - (b) rebuilding;
 - (c) structural alterations of or additions to buildings; and
 - (d) other operations normally undertaken by a person carrying on business as a builder.
- (2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land:
- (a) the carrying out for the maintenance, improvement or other alteration of any building of works which
 - (i) affect only the interior of the building, or
 - (ii) do not materially affect the external appearance of the building.

The property known as 1 Highfield Road, Bognor Regis is a detached property and is neither listed nor within a conservation area.

There are no permitted development restrictions affecting the property. An Article 4 Direction is in place within Hotham Ward; however, this is limited to changes of use from Use Class C3 to HMO. The existing use of the site is already a sui generis HMO, previously utilised as student accommodation. Planning permission was granted for the use of the property as an 18-bed House in Multiple Occupation (HMO) under application BR/42/22/PL. This permission described the development as a House in Multiple Occupation and was not restricted by condition to student occupation only. This is reflected in Informative No. 15 attached to permission BR/42/22/PL.

The proposed HMO use complies with the conditions attached to BR/42/22/PL. Of particular relevance is Condition 8, which required the submission and approval in writing of a Student Accommodation Management Plan by the Local Planning Authority. The purpose of this condition was to establish controls over the use of the property in the interests of the amenity of local residents and, in particular, to ensure that students residing at the site did not bring vehicles to the property and park them on surrounding streets.

The details required by Condition 8 were subsequently approved under application BR/169/22/DOC. However, no active monitoring or review of student vehicle ownership or parking arrangements was undertaken. Furthermore, this condition relates specifically to student accommodation and is therefore not directly applicable to the proposed use, which is being assessed as a general HMO rather than student accommodation.

There are no internal alterations proposed and the proposal would not result in a material change of use, given that the maximum number of occupants would remain the same. The proposal is therefore considered to be permitted development and as such does not require the submission of an application for full planning permission.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 21 August 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 by way of compliance with Section 55(2) of the Town and Country Planning Act 1990 (as amended).

FIRST SCHEDULE

Location Plan

Block Plan

Existing and Proposed Floor Plans, Elevations and Section. Drg No. 102

SECOND SCHEDULE

1 Highfield Road, Bognor Regis, PO22 8BQ

EXTENT OF USE

Lawful Development Certificate for the use of 1 Highfield Road as an 18 bedroom, 18 person House in Multiple Occupation.

BR/153/26/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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