

IN THE MATTER OF AN APPLICATION FOR A CLEUD REFERENCE
BR/251/18/CLE

AND IN THE MATTER OF The Old School, Bersted Street, Bognor Regis, PO22
9QE

ADVICE

1. I am asked to advise on an application for CLEUD The Old School, Bersted Street, Bognor Regis, PO22 9QE (“the Premises”)

BACKGROUND

3. On 17th September 2018 the Council received an application for a CLEUD for a change of use of the Premises from a School, with an ancillary use that contains a child care day nursery under class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended).

4. The application was validated on 18th October, 2018.

5. The application states that “The Old School was an educational establishment prior to its transfer to Art of Dance and Fitness, on 22nd January 2000.

6. Further, the application states that the Old School “remains a School used for the specialist teaching of children aged from 3 to 18 years old in the practice of all forms of dance, singing and drama. It also has ancillary use to provide child care day nursery”

7. I note from the planning history of the site that Conditional Planning Permission was granted in 1991 (BR/161/91) and renewed in 1996 (BR/143/96) for conversion of the Old School into 3 residential units and the erection of 3 garages.

8. I have no evidence to suggest that the above planning permissions were implemented..

9. Although there is no statutory declaration from the applicant the evidence available to the Council is that the Premises have been used for no purpose other than a school for some time prior to the applicant ownership which commenced on 22nd January, 2000.

10. I am of the opinion that the word Education in Use Class D1 has its usual meaning and the teaching of dance falls within that definition

11. In all of the circumstances I am satisfied that for a period in excess of 10 years the Premises have been used for purposes with Use Class D1 and that as Art of

Dance and Fitness is for the purposes of Education it is in the same Use Class and therefore under paragraph 3(1) of the Order there is no development.

Jeremy Cook

Barrister

27th November, 2018