

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** BR/58/26/CLP**LOCATION:** 27 Argyle Road
Bognor Regis
PO21 1DZ**PROPOSAL:** Application for certificate of lawfulness for an additional bedroom in existing HMO.**DESCRIPTION OF APPLICATION**

The application seeks a certificate of lawfulness for an additional bedroom in existing House in Multiple Occupation (HMO).

RELEVANT SITE HISTORY

BR/249/24/PL	Change of use from dwelling house (Class C3) to a 7-bed House in Multiple Occupation (HMO) (Sui Generis). This application is in CIL Zone 4 and is CIL Liable. as dwellings.	App Cond with S106 22-05-25
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REPRESENTATIONS**Representations Received:****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 27 Argyle Road, Bognor Regis is a terraced property and is neither listed nor within a conservation area. The internal alterations would not constitute development as set out in Section 55(2) of the Town and Country Planning Act 1990 (as amended) and as such, do not require planning permission.

There are no permitted development restrictions upon this property. The property gained permission for use as an eight person/seven bedroom HMO under application BR/249/24/PL, which is subject to a

condition restricting overnight occupancy to 8 persons at any one time. As a result of the proposed works, bedroom 5 would become a single occupancy room rather than a double occupancy room, with the existing snug becoming an additional single occupancy bedroom. The proposal, therefore, is not in conflict with condition 3 of BR/249/24/PL as no more than 8 people would occupy the HMO overnight, with eight single occupancy bedrooms, and the proposal would be lawful.

The proposed additional bedroom complies with the conditions attached to BR/249/24/PL. The internal alterations are compliant with Section 55(2) of the Town and Country Planning Act 1990 (as amended) 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 10 April 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) and Condition 3 on the previously approved planning application reference BR/249/24/PL.

FIRST SCHEDULE

Location Plan

Block Plan

Planning Statement

Existing Plans and Elevations 09

Proposed Plans and Elevations 11

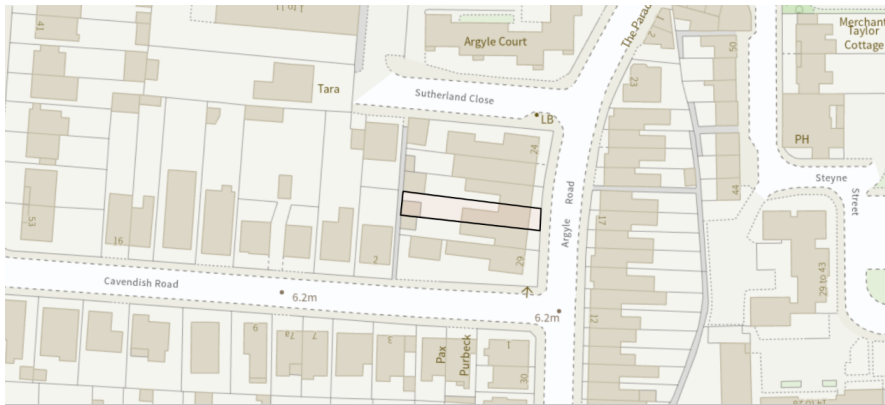
SECOND SCHEDULE

27 Argyle Road, Bognor Regis, PO21 1DZ

EXTENT OF USE

Lawful Development Certificate for the use of 27 Argyle Road as an 8 bedroom, 8 person House in Multiple Occupation (Sui Generis).

BR/58/26/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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