



Town & Country Planning Act 1990 (as amended)
Town & Country Planning (Development Management Procedure) (England)
Order 2015 - Article 39
Application for Certificate of Lawfulness for a Proposed use or Operation
DECISION NOTICE

Application Ref: FG/54/18/CLP

To Addressee

Ms H Ross
 9 Telgarth Road
 Ferring

BN12 5PX

Site Address

52-56 Ferring Street
 Ferring
 BN12 5JP

Description of Application

Lawful development certificate for a proposed natural dog spa (forming less than 10% of the overall area)

The Arun District Council hereby certify that on 03/07/2018 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 for the following reasons:

The use of 10% (approx.) of the permitted A1 retail units as a dog spa would be considered ancillary to the proposed Pet Shop (A1 retail use).

EXTENT OF USE

Use of 3 A1 retail units as a pet shop with 10% (approx.) to be used as a dog spa.

FIRST SCHEDULE

Use of 3 A1 retail units as a Pet shop with 10% (approx.) to be used as a dog spa. As detailed on the submitted drawings and information :

AL-100 Rev E, AL-100 Rev H, AL-110 and Planning Statement dated 26/03/2018.

The proposed dog spa area would have a floor area of (approx.) 14.4 metres (3.6 metres x 3.9 metres) while the complete retail unit including staffroom/store would have an approximate floor area of 49.14 metres.

The Dog spa shall not, at any time, be run as an independent business and shall at all times remain an ancillary part of the A1 retail use of 52-56 Ferring Street. As an ancillary use the Dog spa shall not at any point be rented out or sold as a separate entity (business). Additionally the dog spa shall, as stated by the applicants, only deal with one dog at a time (as stated in the submitted planning statement dated 26/03/2018), in order that it remains of an ancillary size and scale to that of the main A1 retail business of 52-56 Ferring Street as a Pet Store.

SECOND SCHEDULE

52-56 Ferring Street, Ferring, BN12 5XP

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

Head of Planning Services
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

Case Officer: Richard Castro-Parker

Decision Issued: **4 July 2018**



NOTES RELATING TO CERTIFICATE OF PROPOSED LAWFUL USE OR DEVELOPMENT

TOWN & COUNTRY PLANNING ACT 1990

This certificate is issued solely for the purpose of section 192 of the Town & Country Planning Act 1990 (as amended).

It certifies that the use, operation or matter specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and therefore, would not have been liable to enforcement action under section 172 of the 1990 Act on that date.

This Certificate applies only to the extent of the use, operation or matter described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use, operation or matter which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations began, in any of the matters relevant to determining such lawfulness.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on highway land).