

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** LU/205/25/CLP**LOCATION:** Petrol Filling Station
Morrisons Littlehampton
Hawthorn Road
Littlehampton
BN17 7LA**PROPOSAL:** Lawful development certificate for the proposed 24-hour opening of Morrisons Petrol Station.**DESCRIPTION OF APPLICATION**

This application seeks a lawful development certificate for the proposed 24-hour opening of Morrisons Petrol Station.

RELEVANT SITE HISTORY

LU/215/12/	Application for a Minor Material Amendment following planning approval LU/271/11 for the revised store entrance.	ApproveConditionally 05-11-12
LU/271/11/	Erection of class A1 (retail) foodstore with associated servicing, car & cycle parking off Hawthorn Road, hard & soft landscaping, petrol filling station with associated kiosk & external works to existing office building to create an Enterprise Hub with new point of access off Courtwick Lane & associated landscape works & cycle parking provision	App Cond with S106 24-04-12
LU/246/15/PL	Variation of condition 10 imposed under planning reference LU/307/12/ relating to delivery, loading or unloading times.	ApproveConditionally 23-10-15

REPRESENTATIONS

Representations Received:

Littlehampton Town Council - Objection. If permitted this would have an adverse impact on the amenity of residents in the surrounding area. The proposal is not compatible with or in the spirit of the variation granted (LU/307/12) to the original approval (LU/271/11) restricting delivery activity at the site.

One objection from a nearby occupier raising concerns that:

- The original planning consent for the supermarket and garage conditioned that deliveries should not take place outside of 6am to 10pm in order to safeguard the interests of neighbouring residents. By the same logic, opening hours should not be permitted 24 hours a day.
- The closest properties are the opposite side of the Lyminster Road and with a quiet background, at night noise from the garage will intrude.
- The closest 24 hour operational garage, Shell at the Bodyshop roundabout, causes disturbance to residents of the neighbouring Hotel when people visit the associated retail unit during the night. It is a magnet for groups of 'boy and girl' racers with noisy cars to congregate and cause disturbance.
- A 24 hour petrol services is available at Crossbush.

Comments on Representations Received:

The relationship between the current proposals and conditions on the original planning permission is addressed in the conclusions. As this is an application for a Lawful Development Certificate, matters relating to neighbouring residential amenity or other planning considerations cannot be considered, as the decision relates solely to whether the proposal is lawful.

CONSULTATIONS**Consultations Responses Received:**

None.

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 the existing planning permissions for the use of this site.

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

The petrol filling station, together with the main Morrison's supermarket, was granted planning permission under reference LU/271/11. This gave consent for the "erection of class A1 (retail) foodstore with associated servicing, car & cycle parking off Hawthorn Road, hard & soft landscaping, petrol filling station with associated kiosk & external works to existing office building to create an Enterprise Hub with new point of access off Courtwick Lane & associated landscape works & cycle parking provision."

A condition was attached to this permission which stated that deliveries to the site must take place between the hours 06.00 and 22.00. This condition was later varied under LU/307/12/ and LU/246/15/PL, which extended these hours to between 05.00 and 23.00. However, the condition relates to deliveries only, and no condition limiting the hours of operation of the petrol station was attached to any permission. Altering the opening hours of a premises does not constitute development, and would only require the submission of a planning application where these are restricted under a previous permission. In this instance, the proposal would not require the submission of a planning application.

RECOMMENDATION**PP NOT REQUIRED**

The Arun District Council hereby certify that on 2 October 2025 the matter 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, was lawful within the meaning of section 192 of the Town & Country Planning Act 1990 by reason that planning consent for the proposed use has been granted and implemented, and no conditions restricting the hours of operation were added to this consent.

FIRST SCHEDULE

The proposals has been assessed against the following plans and statements:

- Location plan PA01
- Planning Statement

SECOND SCHEDULE

Petrol Filling Station, Morrisons, Hawthorn Road, Littlehampton, BN17 7LA.

EXTENT OF USE

24-hour opening of Petrol Station.

LU/205/25/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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