

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development

REF NO: LU/70/26/CLP

LOCATION: Vernon House
10 Maltravers Drive
Littlehampton
BN17 5EY

PROPOSAL: Lawful development certificate for the proposed use as supported living accommodation for adults with complex care needs (Class C2).

DESCRIPTION OF APPLICATION

This application seeks a lawful development certificate for the proposed use as supported living accommodation for adults with complex care needs (Class C2).

RELEVANT SITE HISTORY

LU/21/22/CLP	Lawful development certificate for the Proposed Use as a residential family assessment centre (Use Class C2).	PP Not Required 15-03-22
LU/59/20/PL	Kitchen extension.	ApproveConditionally 12-05-20
LU/57/13/	Rear extension and internal alterations to form new living accommodation.	ApproveConditionally 14-05-13

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 of the Town and Country Planning Act 1990 pertaining to the meaning of development.

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 not constitute 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

A planning history search for the property reveals that permission was granted in 1969 under LU/261/69 for a residential home for blind persons. Subsequent planning applications, one as recently as 2022 (LU/21/22/CLP) outlined a proposed use as a residential family assessment centre (Use Class C2). Evidence has been submitted alongside the current application to demonstrate that this has been the most recent use of the site.

Section 55 of the Town and Country Planning Act provides the meaning of development;

Meaning of "development" and "new development".

(1) 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, and are not works for making good war damage or works begun after 5th December 1968 for the alteration of a building by providing additional space in it underground;
- (b) the carrying out on land within the boundaries of a road by a highway authority of any works required for the maintenance or improvement of the road but, in the case of any such works which are not exclusively for the maintenance of the road, not including any works which may have significant adverse

effects on the environment;

(c) the carrying out by a local authority or statutory undertakers of any works for the purpose of inspecting, repairing, or renewing any sewers, mains, pipes, cables, or other apparatus, including the breaking open of any street or other land for that purpose;

(d) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such;

(e) the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used;

(f) in the case of buildings or other land which are used for a purpose of any class specified in an order made by the Secretary of State under this section, the use of the buildings or other land or, subject to the provisions of the order, of any part of the buildings or the other land, for any other purpose of the same class.

(g) the demolition of any description of building specified in a direction given by the Secretary of State to local planning authorities generally or to a particular local planning authority.

(2A) The Secretary of State may in a development order specify any circumstances or description of circumstances in which subsection (2) does not apply to operations mentioned in paragraph (a) of that subsection which have the effect of increasing the gross floor space of the building by such amount or percentage amount as is so specified.

(2B) The development order may make different provision for different purposes.

(3) For the avoidance of doubt it is hereby declared that for the purposes of this section-

(a) the use as two or more separate dwellinghouses of any building previously used as a single dwellinghouse involves a material change in the use of the building and of each part of it which is so used;

(b) the deposit of refuse or waste materials on land involves a material change in its use, notwithstanding that the land is comprised in a site already used for that purpose, if-

(i) the superficial area of the deposit is extended, or

(ii) the height of the deposit is extended and exceeds the level of the land adjoining the site.

(4) For the purposes of this Act mining operations include-

(a) the removal of material of any description-

(i) from a mineral-working deposit;

(ii) from a deposit of pulverised fuel ash or other furnace ash or clinker; or

(iii) from a deposit of iron, steel, or other metallic slags; and

(b) the extraction of minerals from a disused railway embankment.

(4A) Where the placing or assembly of any tank in any part of any inland waters for the purpose of fish farming there would not, apart from this subsection, involve development of the land below, this Act shall have effect as if the tank resulted from carrying out engineering operations over that land; and in this subsection - "fish farming " means the breeding, rearing or keeping of fish or shellfish (which includes any kind of crustacean and mollusc); " inland waters " means waters which do not form part of the sea or of any creek, bay or estuary or of any river as far as the tide flows; and " tank " includes any cage and any other structure for use in fish farming.

(5) Without prejudice to any regulations made under the provisions of this Act relating to the control of advertisements, the use for the display of advertisements of any external part of a building which is not normally used for that purpose shall be treated for the purposes of this section as involving a material change in the use of that part of the building.

No alterations to the external appearance of the building are proposed, nor are any structural changes are proposed to the building.

No limitations to the exact use within C2 was specified as part of LU/261/69.

The existing use is as a family assessment unit for six families, providing residential care and accommodation for children and their parents in a managed environment. The assessment centre allowed the observation and monitoring of parents with their children by a multi-disciplinary team of professionals in terms of safeguarding and welfare. The centre offered 24/7 care in the form of advice, guidance, and counselling, as necessary. Families who were accommodated at the site would be there in receipt of residential care for a minimum of 12 weeks. It is acknowledged that the building is currently vacant.

The proposed use would provide six units of supported living accommodation for adults with complex care needs. The arrangement would allow for the residents to live in self-contained accommodation with communal living areas, a shared garden, and staff facilities. The scheme will provide supported living accommodation where residents require the provision of personal care as a primary component of their accommodation. The residents would live separate lifestyles with individualised care regimes and with 1:1 shift-based carers. Whilst residents hold individual tenancies, the level and nature of care provision, together with the coordinated management of the property and 24-hour on-site staffing would result in a continued C2 use of the building.

The proposed use would not result in any material intensification or change in the character of the use of the site when compared to its lawful use. The site has historically operated as a residential care facility within Class C2, including most recently as a family assessment centre for 6 families. The proposed occupation by up to 6 individual residents supported by staff on a shift basis (the staffing shift patterns would include 2 waking night staff (22:00-7:00), and six staff for each of the two day shifts (07:00-14:00 and 14:00-20:00)), would represent a similar use intensity to the existing. Furthermore, professional visits to the property would be very limited and would not occur on a regular or intensive basis and residents would occupy the accommodation as their permanent home as long-term, stable accommodation rather than temporary transition housing. There would be no external alterations, and activity associated with the use, including comings and goings, would remain consistent with the established lawful use. Accordingly, the proposal would not give rise to a material change in the nature or intensity of the use and does not constitute development.

The proposed use as supported living accommodation for adults with complex care needs complies with Section 55(2)(f) of the Town and Country Planning Act 1990, in that supported living accommodation falls under the same use class (C2) and would not constitute development nor a material change of use. The proposed use therefore lawful and does not require the submission of a planning application.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 26 March 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, was lawful within the meaning of section 192 of the Town & Country Planning Act 1990 for the following reasons by reason of compliance with Section 55 of the Town and Country Planning Act 1990 (as amended).

FIRST SCHEDULE

The proposed supported living accommodation for adults with complex care needs as shown on the following plans and documents:

- Location Plan.
- Proposed Floor Plans R2612-ADG101-GF-DR-A Rev.P1.
- Planning Statement and Covering Letter.
- Supported Living Operational Management Plan.
- Additional information via email submitted dated 13.05.2026.

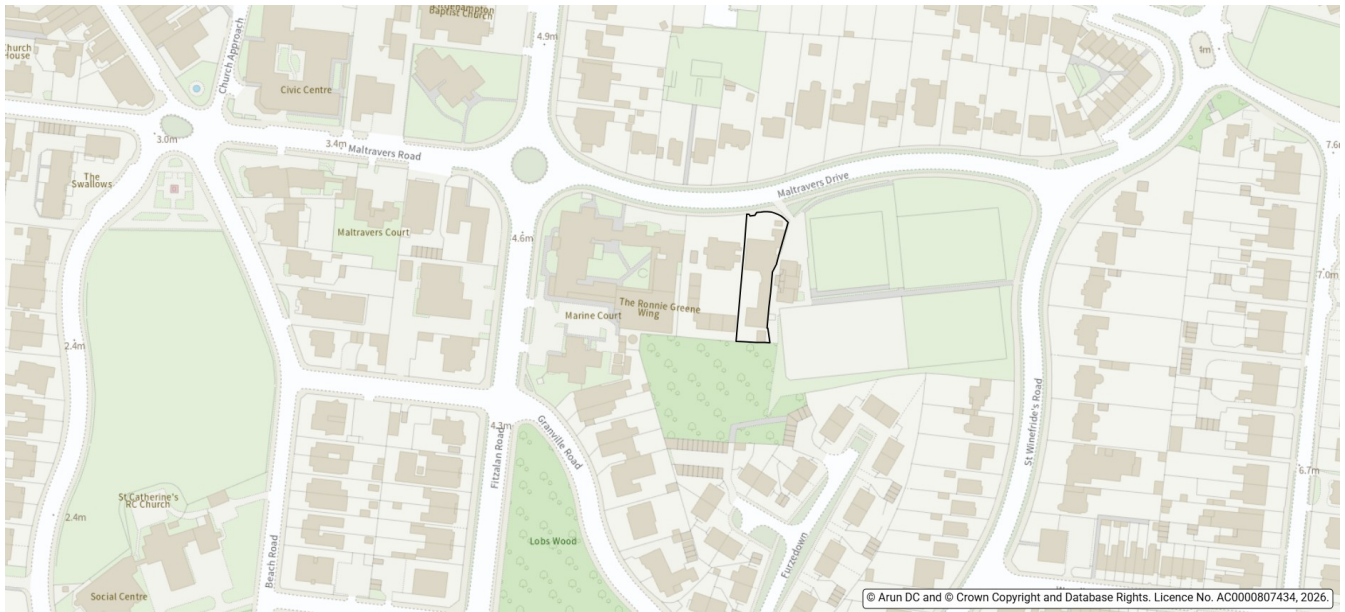
SECOND SCHEDULE

Vernon House, 10 Maltravers Drive, Littlehampton.

EXTENT OF USE

The proposed use as supported living accommodation for adults with complex care needs (Class C2).

LU/70/26/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



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