

Recommendation Report for Lawful Development Certificate for a Proposed Use or Development**REF NO:** R/28/26/CLP**LOCATION:** 36 Sheep Fold Avenue
Rustington
BN16 3SQ**PROPOSAL:** Lawful development certificate for proposed use existing garage as a business, proposed plumbing work to run water, toilet installation and gas supplies.**DESCRIPTION OF APPLICATION**

This application seeks a lawful development certificate for the proposed change of use of the existing garage to be used for their small mobile food business, with proposed plumbing work to run water, toilet installation and gas supplies.

RELEVANT SITE HISTORY**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.

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

Town and Country Planning Act S55 Para 2 states 'The following operations or uses of land shall not be taken for the purposes of this Act to involve development.'

The proposal is considered against S55 Para 2(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.

The applicant intends to use the existing garage as a business for their small mobile food business, with proposed plumbing work to run water with toilet installation and gas supplies. The work will include the installation of plumbing to provide water supply and a toilet, the installation of waste water pipework within the applicants' rear garden, connecting to the existing foul drainage system serving the property and the installation of gas supply. Internal fitting out to provide storage space for business equipment, a small office area and a modest kitchen/preparation area. There will be no changes to the external elevations, with the only alterations made being internal.

In terms of the use of the garage, the submitted planning statement outlines that the garage would be used in connection with the applicant's small mobile food business. The business operates from a mobile food truck at off-site event locations. The garage would be used solely for storage, preparation and administrative purposes associated with the mobile food business. No additional staff would be employed and no customers would visit the property. No signage would be displayed and no additional deliveries would be undertaken. There would be no material increase in vehicle movements beyond the existing residential use.

It was found in *Scholey v City of Bradford Metropolitan District Council* (2023) (3310183) that the appellant's business operating from their garage did not result in a material change of use. The Inspector concluded that, given the small number of traffic movements, the lack of customer visits and the limited noise generated, the operation of the business did not materially change the character of the dwelling. As such, it was considered incidental to the residential use.

Similarly, in *Medway Council v Bedford* (2019) (3203227) the Inspector concluded that the proposed activities carried out in the garage would not differ significantly from those typically undertaken within the host dwelling. The scale of the activities was not considered likely to result in notable increase in traffic or disturbance to neighbouring properties.

The Town and Country Planning Act S55 Para 2(a) informs that the carrying out for the maintenance, improvement or other alteration of any works which affect only the interior of the building or do not materially affect the external appearance of the building are not regarded as development. There are no changes to be made to the external elevation and the proposed change of use would not be regarded as development.

The property known as 36 Sheep Fold Avenue semi-detached property.

Examination of the site history has revealed no restrictions for permitted development.

RECOMMENDATION

PP NOT REQUIRED

The Arun District Council hereby certify that on 18 February 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 reason that the proposal would not constitute a material change of use, nor would be regarded as development, as defined by Section 55 Para 2(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

FIRST SCHEDULE

The proposed change of use of the existing garage to a storage, preparation and administrative premises for a small mobile food business as shown on the following submitted plans:

- Location Plan.
- Planning Statement

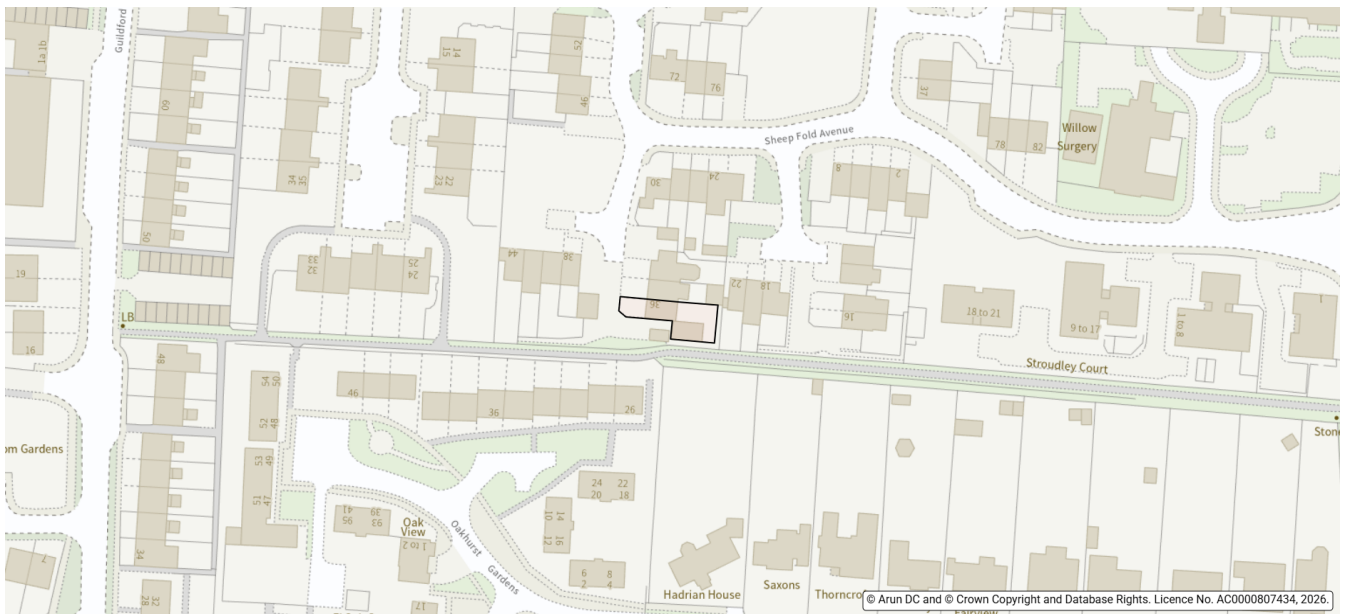
SECOND SCHEDULE

36 Sheep Fold Avenue, Rustington, BN16 3SQ.

EXTENT OF USE

Change of use of the existing garage to a storage, preparation and administrative premises for a small mobile food business with associated internal works.

R/28/26/CLP - Indicative Location Plan (Do not Scale or Copy)
(All plans face north unless otherwise indicated with a north point)



Based on the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright.
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Arun District Council
 100018487. 2015