



Planning Statement

Certificate of Lawfulness for Proposed Use or Development (Section 192, Town and Country Planning Act 1990)

Replacement of the existing timber decking to the external balconies and access walkways with a proprietary aluminium decking system.

The Forum Building, Black Horse Way, Horsham

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On behalf of:
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1. Introduction

This Planning Statement has been prepared in support of an application for a Certificate of Lawfulness for Proposed Use or Development ("CLOPUD") under section 192 of the Town and Country Planning Act 1990.

The application seeks confirmation that the proposed works do not constitute development requiring planning permission.

The proposal comprises the replacement of the existing timber decking to the external balconies and access walkways with a proprietary aluminium decking system. The existing supporting structures and associated elements are to be retained, with no alteration to the size, layout or external configuration of the balconies or walkways.

The submitted drawing Timber Decking Dimension X Drawing No.10 dated 14/10/25 shows a typical photo of the existing timber decking that is to be replaced. The submitted ADB Aluminium Decking Board Datasheet shows the replacement non-combustible decking material.

The works are confined to the replacement of an existing external building component with a modern, more durable alternative. They do not involve any extension to the building, alteration to its footprint, height, scale, massing, architectural composition or use.

For the reasons set out below, it is concluded that the proposed works do not constitute development within the meaning of section 55 of the Town and Country Planning Act 1990 and are therefore lawful without the need for planning permission.

2. The Site and Proposed Development

The Forum is an established mixed-use building comprising residential, commercial (Class E) units and an integral car park. The building has numerous external balconies and access walkways which currently incorporate timber decking.

The proposed works comprise the replacement of the existing timber decking with a proprietary aluminium decking system.

The existing structural supports, steelwork, balustrades, trims, flashings and associated construction are to remain in situ. The proposal does not involve any enlargement or reconfiguration of the balconies or walkways, nor does it alter their relationship with the building.

Accordingly, the dimensions, footprint, layout and external configuration of the balconies and walkways will remain unchanged.

The proposal represents the replacement of one decking material with another in the interests of safety, durability, longevity and ongoing maintenance.

3. The Planning Issue

The sole issue for consideration is whether the proposed works constitute development within the meaning of section 55 of the Town and Country Planning Act 1990.

The application does not seek planning permission for operational development.

Instead, it seeks confirmation that the proposed replacement works fall outside the statutory definition of development because they do not materially affect the external appearance of the building.

4. Whether the Proposed Works Constitute Development

Section 55(1) of the Town and Country Planning Act 1990 defines development as:

"the carrying out of building, engineering, mining or other operations in, on, over or under land..."

However, section 55(2)(a) provides that works for the maintenance, improvement or other alteration of a building affecting only the interior, or works which do not materially affect the external appearance of a building, do not constitute development requiring planning permission.

Whether particular works materially affect the external appearance of a building is a matter of planning judgement having regard to the building as a whole.

The leading authority remains *Burroughs Day v Bristol City Council* [1996] 1 PLR 78, in which the High Court confirmed that the assessment is not concerned with whether individual building components are replaced in isolation, but whether the completed works materially affect the external appearance of the building when viewed as a whole.

Accordingly, the relevant question is not whether the proposed replacement aluminium decking differs from timber decking in appearance, technical specification or construction, but whether its installation materially alters the appearance of the building as a whole.

5. Assessment

The proposed works are limited to the replacement of the existing decking material.

The balconies and access walkways will remain the same size, occupy the same footprint and retain their existing configuration.

No alterations are proposed to the supporting structure, balustrades or the architectural composition of the building.

The proposal does not alter the building's height, scale, massing or design.

The submitted drawings demonstrate that the replacement decking follows the existing arrangement and detailing of the balconies and walkways. The visual composition of the building therefore remains unchanged.

Whilst the replacement decking is manufactured from aluminium rather than timber, the difference relates principally to the construction and performance of the material rather than the form or appearance of the building itself.

When viewed as a whole, the proposal does not materially alter the external appearance of the building.

The works are therefore properly characterised as replacement and refurbishment works rather than operational development.

6. Conclusion

The proposal comprises the replacement of the existing timber decking to the external balconies and access walkways with a proprietary aluminium decking system, whilst retaining the existing supporting structures and associated elements.

The proposal does not alter the footprint, dimensions, layout or external configuration of the balconies or walkways, nor does it alter the height, scale, massing or architectural composition of the building.

Having regard to section 55 of the Town and Country Planning Act 1990, and applying the principles established in *Burroughs Day v Bristol City Council* [1996] 1 PLR 78, it is concluded that the proposed works do not materially affect the external appearance of the building and therefore do not constitute development requiring planning permission.

Accordingly, the proposed works are lawful and a Certificate of Lawfulness for Proposed Use or Development should be granted.