Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0602
Beeding Garage, High Street, Upper Beeding, West Sussex, BN44 3TQ

DESCRIPTION:

Application to confirm that the proposed 24 hour opening is lawful. (Lawful Development Certificate - Proposed).

RELEVANT PLANNING HISTORY:

UB/61/90	Re-development of existing petrol station Site: Sullivan Bros Garage Upper Beeding	Application Permitted on 19.12.1990
UB/15/97	Extension to shop Site: Beeding Garage High Street Upper Beeding	Application Permitted on 26.02.1998
UB/55/98	Single-storey extension & installation of an automatic cash machine Site: Beeding Garage High Street Upper Beeding	Application Permitted on 20.01.1999
DC/07/1016	Demolition of existing car wash and extension to existing shop with office space over	Application Permitted on 08.10.2007
DC/17/2789	Demolition of existing car wash and erection of rear and side extension, bin store. New shop frontage, bollards, relocated ATM, 4 AC units, 7 new parking bays, new kerb lines around shop to car park.	Application Permitted on 18.05.2018
DC/18/1095	Change of use of existing car wash into A1 sandwich bar including removal of existing outdoor car washing facilities, erection of 6 bollards around new freezers/consender units on south east elevation and removal of car wash sign on south west elevation.	Application Permitted on 20.07.2018

The application relates to a Lawful Development Certificate Proposed to confirm that that the proposed 24-hour opening of Beeding Garage Petrol Station is lawful.

Article (1) of Section 192 of the Town and Country Planning Act 1990 states:

"If any person wishes to ascertain whether –

(a) any proposed use of buildings or other land; or
(b) any operations proposed to be carried out in, on, over or under land,

would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question."

Article (2) of this section 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."

Applicant's Submission

The Applicant has submitted a Planning Statement which outlines that the planning history of the site indicates that there have been no planning applications granted with conditions that restrict opening hours of the service station. The Statement asserts that there is no evidence to establish that opening

hours have been restricted in the process of granting planning permission for the service station, and to this effect, the proposed 24-hour opening is lawful.

Discussion

The application site, as shown by the red outline on the submitted Location Plan and Block Plan, and as referred to as Upper Beeding Service Station in the supporting documentation, comprises a petrol station, retail shop, and associated Amazon locker, ATM, and forecourt. The planning history has identified the site within a single red outline, where it is considered that the whole of the site, containing all the aforementioned buildings and infrastructure, represents a single planning unit. It is therefore necessary to consider all elements of the site to determined whether the proposed 24-hour opening is lawful.

Petrol Station

The re-development of the petrol station was originally permitted under planning permission reference UB/61/90, with later extensions and alterations approved under planning references UB/15/97 and UB/55/98.

Having reviewed the Decision Notices for each of these relevant planning permissions, there are no conditions imposed that restrict or limit the hours of opening for the petrol station.

On this basis, there is no evidence to indicate that the petrol station at Upper Beeding Service Station is subject to any condition restricting opening hours. The proposed 24 hour opening of the petrol station at Beeding Garage is therefore considered lawful.

Retail Shop

It is noted that planning permission reference DC/18/1095 related to the change of use of existing car wash into A1 sandwich bar, including various external additions/alterations. This is illustrated within the red line plan submitted in support of the application. This planning permission is subject of Condition 10 which states:

> *"**Regulatory Condition**: The premises hereby permitted, shall not be open for trade or business except between the hours of 08:00 hours to 20:00 hours Mondays to Fridays, and 09:00 hours to 19:00 hours on Saturdays, Sundays, Bank and Public Holidays.*
>
> *Reason: To safeguard the amenities of adjoining residential properties in accordance with Policy 33 of the Horsham District Planning Framework (2015)."*

This condition restricts the opening hours of the premises permitted under planning permission reference DC/18/1095. To this effect, the opening hours of the retail shop contained within the site known as Upper Beeding Service Station are restricted as outlined above.

On this basis, the retail shop at Upper Beeding Service Station is subject to condition 10 of planning permission reference DC/18/1095 which restricts the opening hours of the premises. The proposed 24-hour opening of the retail shop premises would not comply with the condition and would not therefore be considered lawful.

Recommendation: SPLIT Decision

LAWFUL

1 It is confirmed that there are no conditions imposed on any planning permission relating to the petrol station and ancillary shop, as outlined in blue on the attached plan, which have the effect of restricting opening hours. The proposed 24-hour opening of the petrol station and ancillary shop is therefore deemed to be lawful.

UNLAWFUL

1 The retail shop, as outlined in green on the attached plan, is subject of condition 10 of planning permission reference DC/18/1095. This condition has the effect of restricting opening hours between the hours of 08:00 hours to 20:00 hours Mondays to Fridays, and 09:00 hours to 19:00

hours on Saturdays, Sundays, Bank and Public Holidays. The proposed 24-hour opening of the retail shop would not therefore be lawful.

DELEGATED

Case Officer sign/initial	Tamara Dale	Date:	21.05.2025
Authorising Officer sign/initial	RHERMITAGE	Date:	20.06.2025

PLAN

