Horsham District Council

Mr Graham Adcock
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Stratford Upon Avon
CV37 0AQ

TOWN & COUNTRY PLANNING ACT 1990: S192 (as amended by S10 of THE PLANNING AND COMPENSATION ACT 1991)

TOWN & COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

CERTIFICATE OF LAWFUL DEVELOPMENT OR USE (PROPOSED) – SPLIT DECISION

Application No: DC/25/0602

Horsham District Council hereby certifies that on 28/04/2025, the operations described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged in red on the plan attached to this certificate was lawful in part and not lawful in part (as outlined below) within s192 of the Town and Country Planning Act 1990 (as amended) and for the reasons below:

The operation is LAWFUL for the part that relates to:

1 The 24hr opening hours of the petrol station and ancillary shop, as outlined in blue on the attached plan.

The operation is NOT LAWFUL for the part that relates to:

1 The 24hr opening hours of the retail shop, as outlined in green on the attached plan.

Reasons for granting this certificate

The part that is LAWFUL has been permitted for the following reason:

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.

The part that is NOT LAWFUL has been refused for the following reason:

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.

FIRST SCHEDULE

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

SECOND SCHEDULE

Beeding Garage, High Street, Upper Beeding, West Sussex

Your right to appeal

Where your application to the Council has been refused or refused in part you may appeal under s195 of the Act to the Secretary of State for Communities and Local Government. Further details and appeal forms are available at **www.gov.uk/appeal-lawful-development-certificate-decision**.

Additional notes

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

2. It certifies that the use or works specified in the First Schedule taking place on the land described in the Second Schedule was lawful, on the specified date and, thus, would not have been liable for enforcement action under Part 7 of the 1990 Act on that date.

3. This certificate applies only to the extent of the proposal described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use/operations/matter which is materially different from that described or which relates to other land may render the owner or occupier liable for enforcement action.

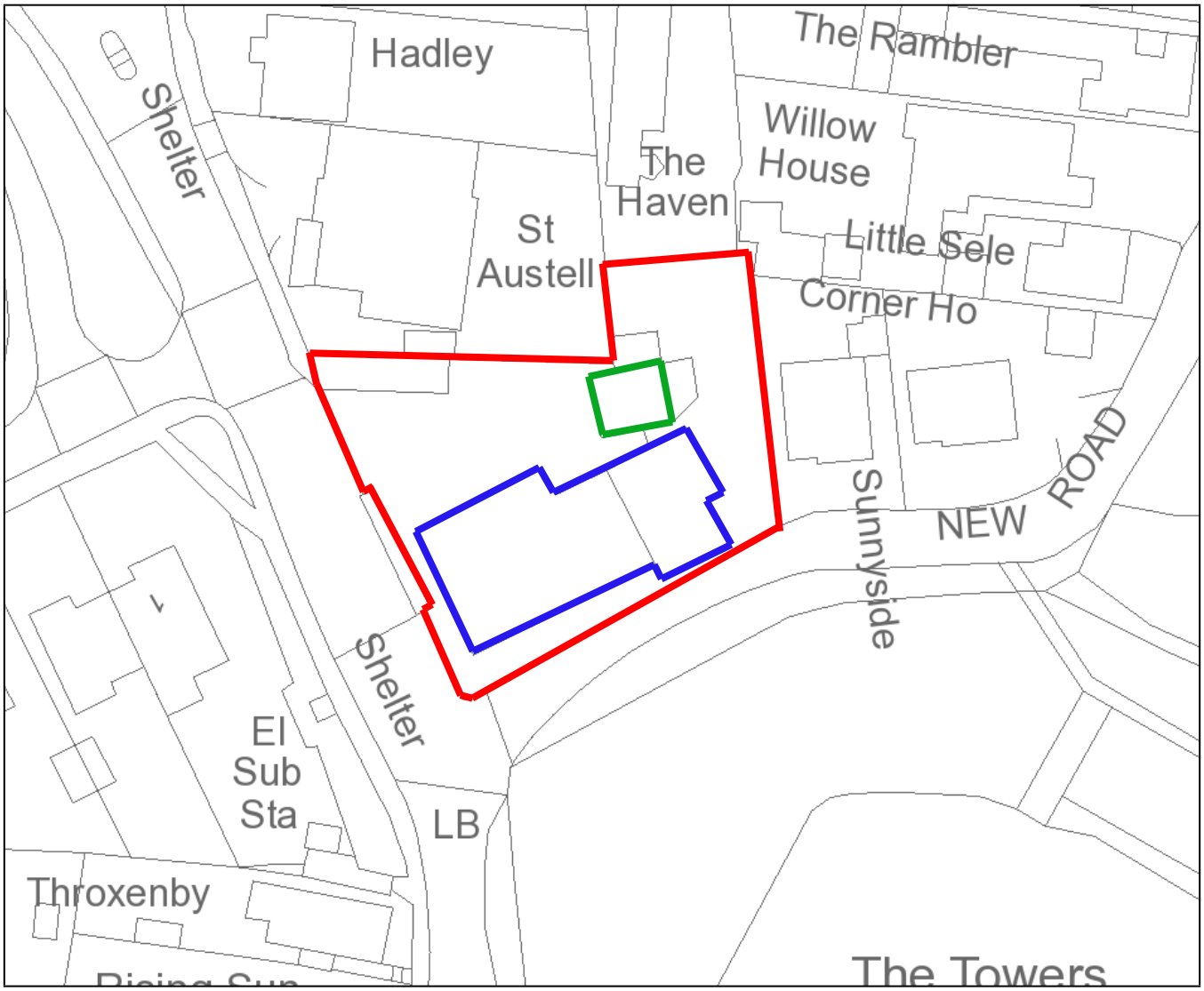
4. The effect of the certificate is also qualified by the proviso in Section 192 (4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.



Emma Parkes
Head of Development and Building Control

Date: 20/06/2025

PLAN


Hadley
The Rambler
Shelter
Willow House
The Haven
St Austell
Little Sele
Corner Ho
NEW ROAD
Sunnyside
Shelter
El Sub Sta
LB
Throxenby
The Towers