South Tyneside Council

Reference:	250553
Location:	177-179 Prince Edward Road South Shields NE34 8PL
Ward:	Harton
Description:	Application for a Lawful Development Certificate for the proposed use of existing retail shop to become an off-licence.
Recommendation:	Grant Permission No Conditions
Case Officer:	Adam Williamson
Case Officer Contact No.:	0191 4247434 or 07741120747

Description of the Site and the proposal.

This application relates to the premises last used as a fruit and veg shop located on 177- 179 Prince Edward Road, South Shields. The site is a mid-terraced property at Prince Edward Road, South Shields, a main district shopping centre in the Borough.

This application is for a lawful development certificate for the change of use of a retail shop (Use Class E) to an off licence (Use Class E).

Relevant Planning History

The planning history of the site is as follows:

ST/1018/22/FUL Space above shop to be converted to first floor flat. Approved 04/08/2023

Assessment

The key issues in the assessment of this planning application are as follows:

Legal Background

Section 192 (1) of the Town and Country Planning Act 1990 states that with regard to a certificate of lawfulness of proposed use or development, if any person wishes to ascertain whether any proposed use of buildings or other land, or any operations proposed would be lawful, they may make an application for the purpose to the Local Planning Authority, specifying the land and describing the use or operations in question.

If the Local Planning Authority is 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.

A certificate shall:

a) specify the land to which it relates;
b) describe the use or operations in question;
c) give the reasons for determining the use or operations to be lawful; and
d) specify the date of the application for the certificate.

The lawfulness of any use or operations for which a certificate is in force, shall be conclusively presumed unless there is a material change in any of the matters relevant to determining such lawfulness.

The applicant has applied for a Certificate of Lawful Use as they would like the Council to make a statutory decision on whether the proposed use is lawful for planning purposes.

Assessment of Application

The proposal has been considered with regard to the Town and Country Planning (Use Classes) Order 1987 (as amended). The planning history demonstrate that the premises is currently a retail use (Use Class E(a)). The proposed use as an off licence falls within Use Class E(a) as defined within the Town and Country Planning (Use Classes) Order 1987 (as amended).

As a result, based upon the submitted information, it is considered that the change of use of the site from a retail shop (use class E) to off licence (use class E) is not development for planning purposes as the use described is for a purpose within the same use class and does not require planning permission by virtue of the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended).

It is therefore recommended that a Lawful Development Certificate be granted for the proposal described in the application.

Recommendation

Grant Certificate of Lawfulness in respect of the proposed development

Informatives

For the avoidance of doubt, this decision relates to the following plans:

Existing and proposed ground floor plan Drg. No. 225.06/ 02 A received 29/08/2025

Case officer: Adam Williamson
Date: 03/10/2025

Authorised Signatory: *G. Simmonette*
Date: 03/10/2025