Chelmsford Town Area

DECISION MADE BY THE DIRECTOR OF SUSTAINABLE COMMUNITIES

Application No	:	26/01101/CLOPUD Certificate of Lawful Proposed Use Dev
Location	:	17 High Street Chelmsford CM1 1BE
Proposal	:	**Certificate of Lawfulness for Proposed Use within Commercial, Business and Service (Class E)**
Applicant	:	JOE & THE JUICE JOE & THE JUICE UK LTD
Agent	:	Mr Max Shadforth
Date Valid	:	12th August 2026
Development Type	:	CLEUD/CLOPUD (D26)
Drawing No(s)	:	Site Location Plan; Letter 03.08.2026;
Target Date	:	6th October 2026
Consult Expiry	:	

Details of the proposal

This application seeks confirmation that the proposed occupation of the premises by Joe & The Juice, involving a change from an existing Class E use to a Class E(a) use, would not require a specific grant of planning permission from the Local Planning Authority, as it would not result in a material change of use.

Other relevant applications

26/01086/LBC - Decision Pending
Proposed installation of acrylic signage and illuminated sign behind glazing. Shop front repainted, existing awning retained, and internal alterations and installation of new HVAC system.

26/01201/ADV – Decision Pending
Proposed installation of two facade signs, 2 x non-illuminated projecting signs and window vinyl.

26/01200/FUL - Decision Pending
The installation of a new hvac system including 4 no. Condenser units externally on the second floor level of the site

Summary

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, or the making of any material change in the use of any buildings or other land."

The Town and Country Planning (Use Classes) Order 1987 (as amended) provides that certain changes of use do not constitute development where both the existing and proposed uses fall within the same use class. In such circumstances, planning permission is not required.

A review of the planning history for 17 High Street has been undertaken. No planning conditions have been identified that would remove or restrict a deemed permitted change of use within the same use class or as allowed for within the Town and Country Planning (General Permitted Development) Order 2015.

The applicant seeks confirmation that the proposed occupation of the premises by Joe & The Juice would be lawful without the need for planning permission. The submitted supporting information states that the business would operate as a commercial retail outlet selling healthy food and drink products, primarily for consumption off the premises. The proposal includes a counter service area and ancillary customer seating, with no table service and no primary cooking taking place on site. A review of the website menu confirms this operation would fall outside the definition of a hot food takeaway.

The planning history demonstrates that the premises has been occupied by retail operators for a substantial period, most recently by Superdrug, which has traded from the unit since approximately 1999. The lawful use of the premises as existing is therefore considered to fall within Use Class E.

Having regard to the operational characteristics of the proposed occupier, it is considered that the use would fall within Class E(a) of the Use Classes Order:

"for the display or retail sale of goods, other than hot food, principally to visiting members of the public…"

The existing lawful use and the proposed use would therefore both fall within Use Class E. Consequently, the proposal would not involve a material change of use and would not constitute development within the meaning of Section 55(1) of the Town and Country Planning Act 1990.

It is therefore concluded that the proposed occupation of the premises by Joe & The Juice can occur without the need for planning permission, as the change would remain within the same use class and would not amount to development.

RECOMMENDATION

A Certificate of Lawfulness be issued for the following reasons:-

Reason 1
The proposal would not constitute development as defined by Section 55(1) of the Town and Country Planning Act 1990, as it would not result in a material change of use. Both the existing and proposed uses fall within Use Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended), and therefore planning permission is not required.

Notes to Applicant

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

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.

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

Background Papers

Case File