

The Design House

Development Consultancy

PLANNING STATEMENT

RE: DWELLING BUILDING known as:

THE LITTLE HUNDRED, BRIGHTON ROAD, HENFIELD, BN5 9RT

I **INTRODUCTION**

- 1.1 This application for a lawful development certificate under section 191 of the Town and Country Planning Act 1990 relates to the following existing development:

The retention of an existing building, as built, and for its continued use as a separate dwelling, together with the separate double garage.

- 1.2 This application complies with the procedural requirements for lawful development certificate applications as set out at Article 39 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. That is, it includes:

a completed application form;

a plan identifying the land to which the application relates drawn to an identified scale and showing a north point;

evidence to support the application (this document together with the attached statutory declaration and supporting statement); and

a statement setting out the applicant's interest in the land (contained within the application form and Title Document).

2. **BACKGROUND**

2.1 Description of the Site

The site is an area of land within the original curtilage of the old host property The Hundred containing a second building as shown on the site plan and photographs.

The building was originally erected, it is believed, as an annexe to the main house but there is no planning history.

2.2 Relevant Planning History

None save for the site plan showing it on a 2020 application relating to The Hundred, attached.

3. **JUSTIFICATION**

- 3.1 This application for a lawful development certificate relates to the retention of the residential building as constructed and the retention of its use as a self-contained dwelling. In summary, the applicant's case is that the development of the site is lawful because:

The dwelling on the site, shown in the photographs, was originally constructed as an outbuilding, has been in place since its purchase as a dwelling by [REDACTED] 2007. It was continuously used as such by her as her home, even after the ownership was passed to [REDACTED] in 2017, until her death in April 2024. It is therefore lawful by virtue of the four-year rule which still applies. See Statutory Declaration of [REDACTED] attached.

- 3.2 By virtue of section 171B(1) of the Town and Country Planning Act 1990, where a breach of planning control consists of the carrying out of building, engineering, mining or other operations, no enforcement action may be taken more than four years after the date on which the operations were completed.

- 3.3 By virtue of section 171B(3) of the Town and Country Planning Act 1990, where a breach of planning control consists of the carrying out of a material change of use of land, no enforcement action may be taken more than 10 years after the date when the breach occurred.

- 3.4 The Government's Planning Practice Guidance on lawful development certificates states (at paragraph 006) in relation to the information submitted in support of an application:

"In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable,

there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability."

3.5 Further evidence of occupation is provided by the attached documents addressed to [REDACTED] at the property and the attached documents addressed to [REDACTED] at the property in respect of services, responsibility for which he assumed after the transfer of ownership.

3.6 Council Tax has also been paid, most recently by way of direct debit from [REDACTED]. However paper documents listing the account number are not to hand, but, they will be available in Council records.

3.7 Therefore, as the structure has been in place since at least 2007, it is immune from enforcement action under the provisions of section 171B(1) of the Town and Country Planning Act 1990 as amended in 2024.

3.8 Paragraph 006 of the Planning Practice Guidance on lawful development certificates notes that:

"A local planning authority is entitled to canvas evidence if it so wishes before determining an application. If a local planning authority obtains evidence, this needs to be shared with the applicant who needs to have the opportunity to comment on it and possibly produce counter-evidence."

4 CONCLUSION

4.1 I consider that the evidence provided with this application satisfies the evidential tests set out in the Planning Practice Guidance (see paragraph 4.4 above); that is, the applicant's evidence is precise and unambiguous and there is unlikely to be other information from the Council or from others that makes the applicant's version of events less than probable.

4.2 For the above reasons, the applicant is entitled to the grant of a lawful development certificate under the provisions of section 191 of the Town and Country Planning Act 1990.