

The Chief Planning Officer
Albery House
Springfield Road
Horsham
West Sussex
RH12 2GB

10th December 2025

Dear Sir or Madam,

LAWFUL DEVELOPMENT CERTIFICATE (EXISTING DEVELOPMENT) LAND AT STATION ROAD, HENFIELD, WEST SUSSEX

This letter accompanies an application for a certificate of lawfulness of proposed use or development under S192 of the Town and Country Planning Act 1990 (as amended) made on behalf of Mr R Gurprashad.

The application seeks confirmation from Horsham District Council that the development approved under planning permission DC/21/1262 was lawfully implemented, and therefore can lawfully be completed in accordance with the approved scheme of development and any relevant conditions.

The Council's Planning Enforcement team were consulted prior to submission to confirm whether they considered the permission to have commenced. They advised they did not consider the development to have commenced on the basis of information submitted at that time. Further information has been provided through this submission.

Statutory Background

Section 192 of the Town and Country Planning Act 1990 states:

"192 Certificate of lawfulness of proposed use or development..

(1)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."*

Section 56 of the Town and Country Planning Act 1990 states:

"56 Time when development begun..

*(1) Subject to the following provisions of this section, for the purposes
of this Act development of land shall be taken to be initiated—*

*(a) if the development consists of the carrying out of operations, at the
time when those operations are begun;*

*(b) if the development consists of a change in use, at the time when the
new use is instituted;*

*(c) if the development consists both of the carrying out of operations
and of a change in use, at the earlier of the times mentioned in
paragraphs (a) and (b)."*

Section 56 goes on to define material operations as follows:

"(4) In subsection (2) "material operation" means—

(a) any work of construction in the course of the erection of a building;

[F9(aa) any work of demolition of a building;]

*(b) the digging of a trench which is to contain the foundations, or part
of the foundations, of a building;*

(c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);

(d) any operation in the course of laying out or constructing a road or part of a road;

(e) any change in the use of any land which constitutes material development.”

The Development Proposed

This application seeks confirmation that the works undertaken to commence the development as described in planning permission DC/21/1262 as “***Erection of two semi-detached dwellings***” mean that the permission has been lawfully commenced and can therefore be completed in accordance with the approved plans (and subsequent details approved by discharge of condition).

A copy of this decision notice is attached to this submission as **APPENDIX A**.

Reasons for lawfulness of development

Permission DC/21/1262 was granted on the 31st August 2021 by Horsham District Council. Condition 2 of the permission required the development to be commenced before the expiration of three years from the date of the decision in accordance with statute.

On this basis, the date on which the original permission would have expired (if unimplemented) would have been three years from the date of the decision: meaning the 31st August 2024. A lawful commencement of development would therefore have been needed to have commenced before this date.

There are no pre-commencement conditions imposed on permission DC/21/1262 which could have prevented the lawful commencement of the development if not discharged. This is clear from the decision notice DC/21/1262 attached as **APPENDIX A** of this application.

The development commenced on the 29th July 2024. This is evidenced by the images from the builders of the development, who built a soakaway at the site starting work on this date.

These time-stamped photos are available at **APPENDIX B** of this application.

The operational development, comprising the digging and the creation of a soakaway to provide drainage for surface water of the approved dwelling is considered to be a clear commencement of development and a meaningful start to the approved scheme.

All conditions of permission DC/21/1262 allow, at a minimum, development up to ground floor slab level prior to their discharge. The development has been lawfully commenced and there are no reasons why the development under DC/21/1262 cannot be completed in full following the discharge of any relevant outstanding conditions.

Conclusion

In summary, the development *Erection of two semi-detached dwellings* at Land At Station Road, Henfield, was granted planning permission on 31st August 2021, and the development was formally commenced on the 29th July 2024.

The development was begun before the expiration of three years, in accordance with Condition 2. The works undertaken to date are therefore lawful and consist of a lawful commencement that implements the planning permission under Section 56 of the Act.

As the lawful commencement was within the statutory period, the permission was lawfully implemented and can be completed.

We therefore invite the council to confirm the lawfulness of the proposed development without delay.

If you have any questions or require any further information, please contact zac.denton@lewisplanning.co.uk

Yours sincerely,

Lewis and Co Planning

APPENDIX A - Decision Notice for DC/21/1262

APPENDIX B - Time-stamped photos confirming commencement

APPENDIX A - Decision Notice for DC/21/1262



Roger Minost
Roger Minost - Architect
Chates Studio
Stonepit Lane
Henfield
BN5 9QT
UK

**Land Parcel at 520673 116136 Station Road Henfield West Sussex
Erection of two semi-detached dwellings**

Your application DC/21/1262 has now been determined and I enclose the decision notice. The decision notice contains important information. Please take a moment to read it as further action may be required.

Conditions

Before you start work, information must be submitted for any conditions that require discharge before development can begin. The decision notice will set out what information need to be sent.

Failure to discharge conditions before commencing development could result in the development being unlawful or enforcement action being taken. You can notify us of your intention to initiate development by completing a pre-commencement notification which will help us to monitor your development. There is no fee to use this service. To do this, or for further information about discharging planning conditions, visit us online at horsham.gov.uk/planning/discharging-a-planning-condition

Community Infrastructure Levy (CIL)

If this development is CIL liable, the requirements of CIL must be met before you start work. Failure to do so could result in additional financial penalties. For further information relating to CIL visit horsham.gov.uk/planning/planning-policy/community-infrastructure-levy/cil-charges-and-how-to-pay

If you have any questions about the decision notice, you can call us and speak to a member of the team on 01403 215187 between 9AM - 5PM, Monday to Friday.

If you are acting as the planning agent for this application, please ensure that the applicant is given a copy of the decision notice and this letter.

Yours Sincerely,

Barbara Childs
Director of Place



**Horsham
District
Council**

Roger Minost
Roger Minost - Architect
Chates Studio
Stonepit Lane
Henfield
BN5 9QT
UK

Application Number: DC/21/1262

TOWN AND COUNTRY PLANNING ACT, 1990 (as amended)
TOWN AND COUNTRY PLANNING (Development Management Procedure) (England) Order 2015

On behalf of: Mr and Mrs Seet and Patti Gurprashad

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby notify you that they PERMIT the following development, that is to say:

Erection of two semi-detached dwellings

Land Parcel at 520673 116136 Station Road Henfield West Sussex

to be carried out in accordance with Application No. DC/21/1262 submitted to the Council on 31/05/2021 and subject to compliance with the plans/documents and conditions specified hereunder.

Barbara Childs
Director of Place

Date: 31/08/2021

- 1 **Plans Condition:** The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule below.

SCHEDULE OF PLANS/DOCUMENTS

Plan Type	Description	Drawing Number	Received Date
Location plan		438pp20	31.05.2021
Site plan		438pp21 rev B	12.08.2021
Floor plan	Ground and First Floor Plan	438pp22 rev B	12.08.2021
Floor plan	Proposed Second Floor and Roof Plan	438pp23 rev B	12.08.2021
Elevation plan	Station Rd	438pp24 rev B	12.08.2021
Elevation plan	Proposed East and West	438pp25 rev B	12.08.2021
Elevation plan	North and South Elevation	438pp26 rev B	12.08.2021

Supporting Statement	Air Source Heat Pumps	NONE	05.08.2021
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Reason: For the avoidance of doubt and in the interest of proper planning.

- 2 **Standard Time Condition:** The development hereby permitted shall begin before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

- 3 **Pre-Commencement (Slab Level) Condition:** No development above ground floor slab level of any part of the development hereby permitted shall take place until a schedule of materials and finishes and colours to be used for external walls, windows and roofs of the approved building(s) has been submitted to and approved by the Local Planning Authority in writing and all materials used in the construction of the development hereby permitted shall conform to those approved.

Reason: As this matter is fundamental to enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 4 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the car parking spaces, including garages, necessary to serve it have been constructed and made available for use in accordance with approved drawing number 438pp21 rev B. The car parking spaces permitted shall thereafter be retained as such for their designated use.

Reason: To provide car-parking space for the use in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 5 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until a fast charge electric vehicle charging point for that dwelling has been installed. As a minimum, the charge point specification shall be 7kW mode 3 with type 2 connector. The means for charging electric vehicles shall be thereafter retained as such.

Reason: To mitigate the impact of the development on air quality within the District and to sustain compliance with and contribute towards EU limit values or national objectives for pollutants in accordance with Policies 24 & 41 of the Horsham District Planning Framework (2015).

- 6 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the cycle parking facilities serving it have been provided within the garage or side or rear garden for that dwelling. The facilities shall thereafter be retained for use at all times. The cycle parking facilities shall thereafter be retained as such for their designated use.

Reason: To ensure that there is adequate provision for the parking of cycles in accordance with Policy 40 of the Horsham District Planning Framework (2015).

- 7 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until provision for the storage of refuse and recycling has been provided within the garage or side or rear garden for that dwelling (or use). The facilities shall thereafter be retained for use at all times.

Reason: To ensure the adequate provision of refuse and recycling facilities in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 8 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the necessary in-building physical infrastructure and external site-wide infrastructure to enable superfast broadband speeds of 30 megabytes per second through full fibre broadband connection has been provided to the premises.

Reason: To ensure a sustainable development that meets the needs of future occupiers in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 9 **Pre-Occupation Condition:** No part of the development hereby permitted shall be occupied until the windows at first and second floor levels to the north and southern (side) elevations have been fitted with obscured glazing. No part of those windows that are less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing and non-openable parts of those windows shall be retained permanently thereafter.

Reason: To protect the privacy of adjacent occupiers in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 10 **Regulatory Condition:** The air source heat pumps hereby permitted shall be installed in strict accordance with the details submitted on 05.08.2021, unless details of alternative air source heat pumps have been submitted to and approved in writing by the Local Planning Authority prior to their installation.

Reason: In the interest of neighbouring amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

- 11 **Regulatory Condition:** The dwelling(s) hereby permitted shall meet the optional requirement of building regulation G2 to limit the water usage of each dwelling to 110 litres per person per day. The subsequently approved water limiting measures shall thereafter be retained.

Reason: To limit water use in order to improve the sustainability of the development in accordance with Policy 37 of the Horsham District Planning Framework (2015).

- 12 **Regulatory Condition:** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and / or any Order revoking and/or re-enacting that Order) no development falling within Classes A and / or B of Part 1 of Schedule 2 of the order shall be erected, constructed or placed within the curtilage(s) of the development hereby permitted without express planning consent from the Local Planning Authority first being obtained.

Reason: In the interest of visual amenity and in accordance with Policy 33 of the Horsham District Planning Framework (2015).

Note to Applicant

The Applicant is advised that in addition to obtaining planning permission, formal approval must be obtained from the highway authority to carry out the site access works on the public highway. The granting of planning permission does not guarantee that a vehicle crossover licence shall be granted. Additional information about the licence application process can be found at the following web page:

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/>

Online applications can be made at the link below, alternatively please call 01243 642105:-

<https://www.westsussex.gov.uk/roads-and-travel/highway-licences/dropped-kerbs-or-crossovers-for-driveways-licence/vehicle-crossover-dropped-kerb-construction-application-form/>

Note to Applicant

Southern Water requires a formal application for a connection to the public foul sewer to be made by the Applicant or developer. To make an application visit Southern Water's Get Connected service: www.developerservices.southernwater.co.uk and read the New Connections Charging Arrangements documents which are available via www.southernwater.co.uk/developing-building/connection-charging-arrangements.

Note to Applicant – Community Infrastructure Levy (CIL):

Horsham District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule which took effect on 1st October 2017. **This development constitutes CIL liable development.**

CIL is a mandatory financial charge on development. To avoid additional financial penalties, the requirements of CIL must be managed before development is commenced (including in the event of any successful appeal).

Payment must be made in accordance with the requirements of the CIL Demand Notice issued.

Note to Applicant

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

ADDITIONAL INFORMATION

Planning Permission – Important Provisos

If planning permission has been granted, please note that your Notice of Decision refers only to consideration of your proposal under the Town and Country Planning Acts. It is not a building regulations approval and does not mean that you can disregard other Acts of Regulations, or avoid any other legal obligations. Some of these obligations, of particular relevance to your proposal are referred to elsewhere in this note. Before you proceed with your proposal you should ensure that a Building Control application is not required, or has been submitted. The Building Control Department can be contacted on 01403 215151.

If this permission relates to new dwellings, commercial premises or other buildings which will require a new postal address you should contact the Council's Street Naming & Numbering Department as soon as possible or before work commences on site. Further details are available on the Street Naming page on the Council's website or alternatively e-mail streetnaming@horsham.gov.uk or telephone 01403 215139.

It is the responsibility of the developer to provide bins for the development. If you are a developer and need to purchase bins, please email daniel.raymond@horsham.gov.uk or phone 01403 733144.

It must be stressed that the information included on this Notice of Decision may not include all your legal obligations, and it does not grant you rights to carry out works on or over lands, or to access land that is not within your control or ownership.

Amendments

Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non material alterations, or under Section 73 of the Act for minor material alterations. An application must be made using the standard application form and you should consult with us, to establish the correct type of application to be made.

Monitoring

Horsham District Council monitors the implementation of planning permissions. Please be aware that monitoring officers may visit the application site at various stages of the development to ensure compliance with the approved plans and conditions.

Right of Appeals

If you are aggrieved by the decision to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

You must appeal within 12 weeks of the date of the decision notice for a householder application or 'minor commercial' (shop front) development, and within 6 months for other types of planning applications. There are different timescale – usually 28 days – if an enforcement notice is/has been served for the same (or very similar) land and development. Please note, only the applicant possesses the right of appeal.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are at <https://www.gov.uk/government/collections/casework-dealt-with-by-inquiries>.

APPENDIX B - Time-stamped photos confirming commencement



Mav Smith
29/07/2024, 11:37



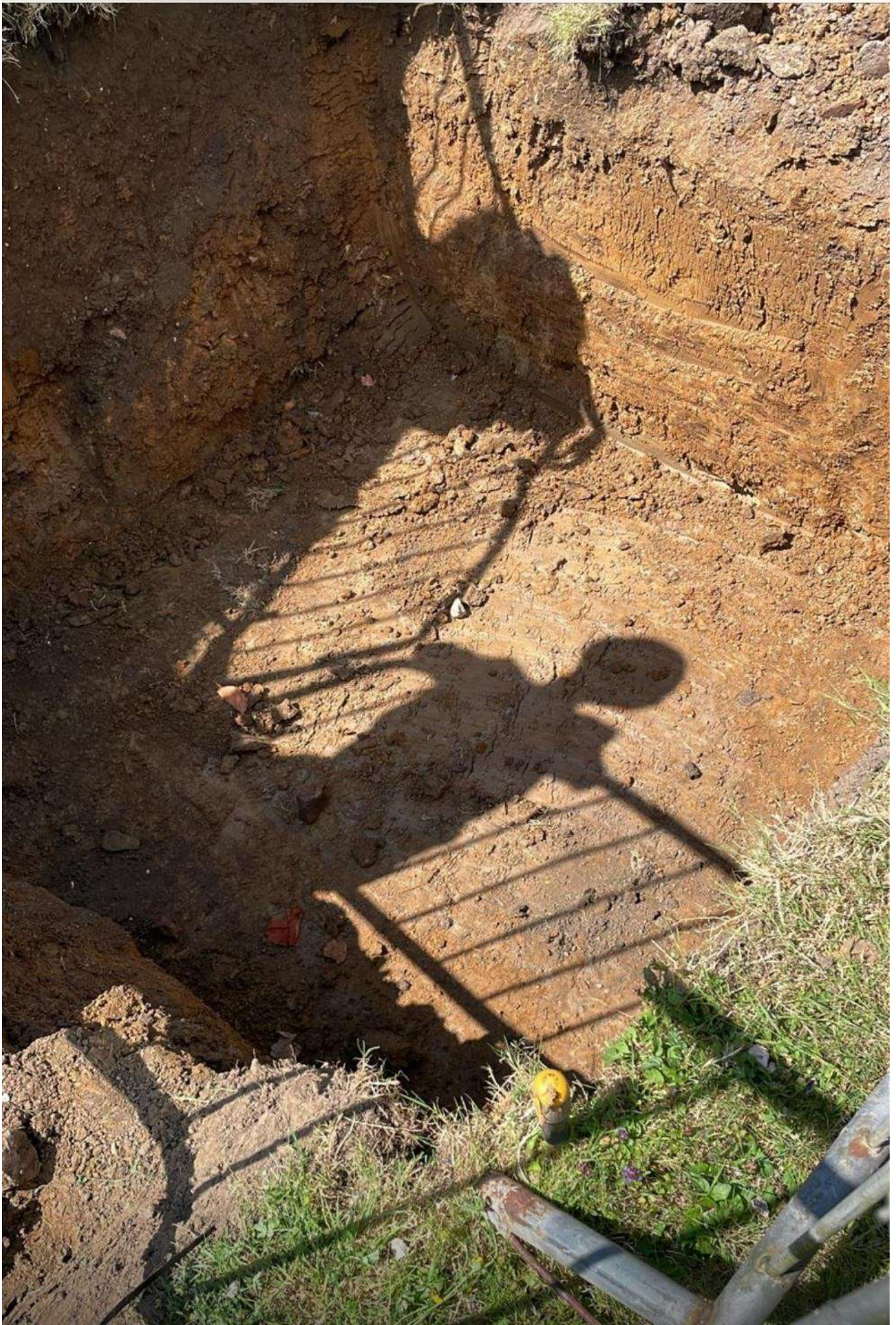


Mav Smith
05/08/2024, 13:46





Mav Smith
05/08/2024, 13:48





Max Smith
06/08/2024 09:48



06/08/2024 09:48



Mav Smith
05/08/2024, 13:46





Mav Smith
06/08/2024, 09:49

