Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0756
New Barn Farmhouse, Office, Capel Road, Rusper, West Sussex, RH12 4PZ

DESCRIPTION:

Application to confirm the siting of a 'Static Van' and its use as a dwellinghouse with related incidental curtilage and container (Lawful Development Certificate - Existing).

RELEVANT PLANNING HISTORY:

DC/22/1561	Mixed use of the site as a commercial stud farm for horses, veterinary care of horses associated with breeding activities and the veterinary inspection and grading of horses for studbook and horse passport purposes, and ancillary administrative functions. The stationing of a static caravan occupied by a groom employed for the care and upkeep of horses at the site.	Application Permitted on 13.10.2022
DC/23/0244	Prior Notification for partial Change of Use from Class E (Commercial, Business and Service) to residential (Use Class C3) to form 3no. dwellings.	Prior Approval Required and REFUSED on 03.04.2023

SITE LOCATION & APPLICATION DESCRIPTION

The application site comprises a Static Van, with a surrounding curtilage consisting of a container and parking area. The Static Van itself is situated within the wider context of the site, which consists of a mixed use, incorporating a stud farm and commercial uses.

The site is not within a conservation area and there are no Article 4 Directions or applicable enforcement notes covering the site.

PLANNING ASSESSMENT

This application seeks a Lawful Development Certificate (Existing) to confirm that the siting of a static van, together with its use as a dwellinghouse and associated curtilage including a storage container, has continued for a period in excess of four years.

Section 191(4) of the Town and Country Planning Act 1990 state that:

"*If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application…they shall issue a certificate to that effect; and in any other case they shall refuse the application*."

The Court held in F W Gabbitas v SSE and Newham LBC [1985] JPL 630 that the applicant's own evidence does not need to be corroborated by "independent" evidence in order to be accepted. If the LPA have no evidence of their own, or 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".

Applicant's Evidence

- Location Plan
- Block Plan
- Block Plan (inset)
- Supporting Statement
- Assured Shorthold Tenancy Agreement – between Stephen Lamb and Tristan Coleman.
- Assured Shorthold Tenancy Agreement – between Stephen Lamb and E.D Shepherd
- Assured Shorthold Tenancy Agreement – between Stephen Lamb and Trevor Furse
- Assured Shorthold Tenancy Agreement – between by Hurtmore Properties (Orpington) Ltd and Tom Longman.
- Signed Statement 20/10/2025 – Stephen Lamb (owner)

Council's Evidence

- Horsham District Council – Revenues Department Consultation Response
- Horsham District Council – Democratic Services Consultation Response
- Rusper Parish Council Consultation Response.
- Google Earth Images, dated 09/2018, 04/2020, 06/2021, 03/022, 05/2024, 05/2025.
- Google Street View Images, dated 03/25, 05/2024, 06/2023, 08/2021.
- Planning Application, DC/22/1561.

Assessment of Evidence

The applicant details within their Supporting Statement that whilst the siting of the static van was previously confirmed as lawful under CLUED ref. DC/22/1561, this application relates specifically to its use as a permanent residence. The applicant explains that from 2016 onwards the van and its curtilage have been continuously let and occupied as an independent dwelling, wholly separate from the stud farm business.

Although records are not available for the first period of occupation (2016–2018), a written statement from the owner, Stephen Lamb, confirms residential use during this time. From 2018 onwards, a tenancy record has been provided: Tristan Coleman (2018–2020), Elizabeth & Donald Shepherd (2021–2023), Trevor Furse (2023), and Tom Longman (2024–present). Each tenancy has been on a rent paying commercial basis with no tie to the wider uses of the site and has consistently included the use of the curtilage, comprising parking and a storage container.

A statement from Stephen Lamb further corroborates this history, affirming that the occupation has always been independent of the stud farm operations.

As part of this application, the applicant has submitted supporting evidence, summarised below:

- Assured Shorthold Tenancy Agreement
  An assured shorthold tenancy for the premises, known as 'The Caravan, New Barn Farm'. The agreement is dated 01/06/2018 for an initial fixed term of one year, 01/06/2018 to 01/06/2019. It is signed by both parties, Stephen Lamb and Tristan Coleman, with an appended plan highlighting the premises to which this application relates.

- Assured Shorthold Tenancy Agreement
  An assured shorthold tenancy for the premises, known as 'The Caravan, New Barn Farm'. The agreement is dated 18/01/2021 for an initial fixed term of one year, 18/01/2021 to 18/01/2022. It is signed by both parties, Stephen Lamb and E.D Shepherd, with an appended plan highlighting

the premises to which this application relates.

- Assured Shorthold Tenancy Agreement
  An assured shorthold tenancy for the premises, known as 'Static Van, New Barn Farm'. The agreement is dated 01/07/2023 for an initial fixed term of one year, 01/07/2023 to 01/07/2024. It is signed by both parties, Stephen Lamb and Trevor Furse, with an appended plan highlighting the premises to which this application relates.

- Assured Shorthold Tenancy Agreement
  An assured shorthold tenancy for the premises, known as 'Static Van, New Barn Farm'. The agreement is dated 15/07/2024 but does not detail a tenancy term. It is signed by Hurtmore Properties (Orpington) Ltd on 28/01/2025 and Tom Longman on 04/02/2025, with an appended plan highlighting the premises to which this application relates.

- Signed Statement – Stephen Lamb (owner)
  This statement states the static van has been in situ since around 2002, originally used as staff accommodation for the stud farm business. From 2016 onwards, it has been used as a permanent residence by tenants unconnected to the stud farm, of which the tenants had use of the storage container to be used for additional storage and contained a washing machine. Since then, it has been continuously occupied, with only brief breaks between tenancies, and has always been let under a formal tenancy agreement to rent-paying tenants unrelated to the stud farm. In each case, the tenants have used the static van as their main residence. The statement is signed by the owner, Stephen Lamb.

Council's Evidence and Balance of Probability

The evidence available to the Council provides limited confirmation of residential occupation, with Democratic Services reporting no electoral register entries for the static van itself and Revenues and Benefits records covering only the wider New Barn Farm site. However, aerial and street-level imagery provides corroboration. Google Earth images show the static van and container present since at least September 2012, with surrounding decking first visible in April 2020 and remaining in place up to the most recent image in May 2025. Google Street View Images, dated 03/25, 05/2024, 06/2023, and 08/2021, clearly show the static van and container in situ, while the August 2021 image shows the premises with the windows and doors of the van open, giving the appearance it is occupied.

The static van in question formed part of application, DC/22/1561, a Lawful Development Certificate Existing, which was permitted in October 2022. The Officers Report found that on *"on the balance of probability it is thereby considered that the caravan has been stationed on the land for a period of at least 10 years, and occupied by a groom employed for the care and upkeep of horses at the site".*

While the Planning Statement submitted in DC/22/1561 conflicts with the evidence now presented, then stating occupation by a groom and now stating occupation by tenants unconnected with the stud farm since 2016, no occupancy condition has ever been imposed on this van. As such, the employment status of the occupants is not a material consideration in establishing lawfulness.

The evidence demonstrates that the static van, decking and associated container have been present on the site for a period in excess of four years prior to the date of this application. The evidence submitted confirms a residential use of the static van and the incidental use of the container and decking for that period.

Whilst the supporting statement makes reference to an associated curtilage, shown through the red line on the submitted plans, no evidence has been submitted to support or define this lawful curtilage claim. Whilst a single aerial photo shows a vehicle parked by the static van in August 2018, there is no evidence to confirm this vehicle is connected to the residential occupation of the static van and not connected to the wider use of the site. Therefore, this aspect of the application is ambiguous and not precise enough to justify the granting of a defined curtilage. This is in contrast to the decking, with photos confirming the static van is accessed by the decked area and steps, which is connected to the static van.

It is acknowledged that the evidence before the Council, namely the signed statement by Stephen Lamb, is not a sworn affidavit; however, in the absence of any evidence to the contrary and given there are no occupancy restrictions tied to this unit, the Council accepts that the evidence is sufficiently precise and unambiguous. On this basis, the residential use of the static van and the incidental use of the associated container and decking are considered lawful.

Recommendation: Application Permitted

Conditions:

1 It has been demonstrated, on the balance of probability, that the static van outlined in red on the attached plan, has been used for residential occupation for a period in excess of four years prior to the date of this application.

2. It has been demonstrated, on the balance of probability, that the storage container outlined in green on the attached plan has been used incidentally to the occupation of the static van for a period in excess of four years prior to the date of this application.

3. It has been demonstrated, on the balance of probability, that the deck outlined in purple on the attached plan, was erected as part of a building operation and has subsequently been used for purposes incidental to the enjoyment of the static van for a continuous period in excess of four years prior to the date of this application.

POSITIVE AND PROACTIVE STATEMENT

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.

Plans list for: DC/25/0756
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Supporting Statement	NONE	07.05.2025
Location plan	Site Location Plan	23101.05 REV P.01	07.05.2025
Block plan	Block Plan	23101 REV P.02	07.05.2025
Block plan	Block Plan (Inset)	23101 REV P.03	07.05.2025
Supporting Docs	Signed Statement	NONE	24.10.2025
Supporting Docs	Tenancy Agreement - Shepherd	NONE	07.05.2025
Supporting Docs	Tenancy Agreement - Furse	NONE	07.05.2025
Supporting Docs	Tenancy Agreement - Longman	NONE	07.05.2025
Supporting Docs	Tenancy Agreement - Coleman	NONE	07.05.2025

DELEGATED

Case Officer sign/initial Sam Nye Date: 08/12/2025

Authorising Officer sign/initial Robert Hermitage Date: 09/12/2025

PLAN

