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Planning
Horsham District Council
Albery House,
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13th April 2026

Dear Sir/Madam

Star Farm, Gay Street Lane, North Heath, Pulborough, West Sussex RH20 2HN
Erection of a replacement detached Garage/Garden Store with Hobbies Room above

On behalf of my clients, Mr and Mrs Sage, the freehold owners of Star Farm, Gay Street Lane, North Heath, I am applying for a Certificate of Lawful Use to confirm the lawful implementation of planning permission number DC/23/1951 relating to that property.

This letter provides additional information that in my opinion supports the grant of the Lawful Development Certificate.

The Application Site

The application site is located on the north side of Gay Street Lane. It is reached via an access road running north from Gay Street Lane that also serves the house (located to the south) and farm buildings (located to the north). There is agricultural land to the east and west. The application site itself is an area currently used for vehicle parking and turning. It is mostly surfaced in concrete. There is a fence on its southern and western boundaries.

The settlement of Pulborough is located approximately 3 km to the south west. The settlement of Billingshurst is located approximately 5 km to the north.

Planning History

Planning application number DC/23/1951 proposed the erection of a replacement detached garage/garden store with hobbies room above and was approved by the Council's decision dated 12th December 2023. Drawing no. SF/05/01A is listed as an approved drawing under the planning permission and confirms the replacement detached garage/store would be constructed on the footprint of an existing garage. There are, unfortunately, no drawings of the existing garage on the online file although Drawing no. SF/05/01A does show its footprint and outline respectively on the proposed floor plan and elevation drawings for the garage.

The Council's online planning register includes a photograph of the existing garage that was in situ at the time of the consideration of the application and that is included as part of this submission and is labelled Photograph A. This is marked as received by the Council's Planning Department on 5th January 2018 – it relating to an earlier application for the development and presumably added to the file by the Case Officer. Under the subheading "Planning Assessment" the delegated Officer report on the application refers to the garage as an "existing structure". It can therefore be concluded that the garage was in position at the time of the determination of the application in December 2023.

Condition 2 of the planning permission confirms that the development must be begun before the expiration of three years from the date of the permission – ie by 12th December 2026. There are no conditions and no legal agreement that require the submission of further information to the Council for its written approval before the development can commence. Therefore, from a planning perspective, there are no restrictions that prevented implementation of the planning permission. Condition 1 of the permission lists the drawings that the Council approved when it granted the planning permission. Any works to implement the permission should therefore be in accordance with the approved drawings – otherwise the Council may conclude that the works themselves are unlawful and no lawful implementation of the permission has occurred.

The Reason for the Application

The application is being made to the Council because the applicants want confirmation that planning permission reference DC/23/1951 has been lawfully implemented.

Legislation and Government Guidance

Under Section 191 of the Town and Country Planning Act 1990 (hereafter referred to as "the Act"), the lawfulness of a use can be certified by a Certificate of Lawfulness of Existing Use or Development granted under that Section.

In this case, such a Certificate can only be issued if the Council is satisfied that sufficient evidence has been submitted to demonstrate that the planning permission has been commenced through operational works that have been started within the timescale allowed by condition 2 of the planning permission. In such circumstances, the Council can issue a Certificate of Lawfulness of Existing Use or Development that can confirm that the planning permission has been lawfully implemented.

The Government's Planning Practice Guidance confirms that the applicant is responsible for providing sufficient information to support such an application. It also confirms that 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.

Evidence in Support of the Application

The applicants instructed contractors to demolish the garage on the application site and this was confirmed in email correspondence between them and Bethan Tinning, a Planning Officer at Horsham District Council in January and February 2025. In the applicants' email to the planning@horsham.gov.uk email address of 19th January 2025, it was confirmed that they had commenced the development by taking down the existing garage. The email also explained that this had been discussed previously with Bethan Tinning and seen by John Haddock on Friday 3rd January 2025. In their reply dated 3rd February 2025, Bethan Tinning confirmed that the applicants' email had been put on the Council's file and there was a record of the development commencing. This correspondence is also included as part of this submission as evidence to support the applicants' case.

Photograph B is also submitted with this application as evidence to support the applicants' case. This is a photograph of the garage that was taken during the aforementioned demolition. It is helpfully taken from a similar position to Photograph A and therefore makes it relatively easy to identify it as being the same building

in both photographs. The building in Photograph B also matches the footprint and outline of the existing garage shown in Drawing no. SF/05/01A.

A significant proportion of the breeze block wall on the left hand side of the structure is still in place in Photograph B and that is also visible on the left hand side of the structure on Photograph A. Some of the corrugated roof of the garage and a metal gate are leaning against this breeze block wall in Photograph B and these can be seen in position in Photograph A. It is also possible to see the internal breeze block wall that sub-divided the two garage spaces and the darker coloured frame of the southern section of the garage in both photographs. The distinctive fixings on the frame that presumably enabled a door to once be attached to it are visible in both photographs. Part of the south facing breeze block wall of the garage is visible in Photograph A and this is still in position in Photograph B.

On this basis, it can be confirmed with considerable confidence that Photograph B does show the garage building at Star Farm in the process of being demolished.

Photographs C and D also provided with this application are taken from Google Earth imagery and are dated March 2022 and July 2022 respectively. They both show Star Farm with the garage building in position. Again, its footprint matches that shown on Drawing no. SF/05/01A. Photograph E is also taken from Google Earth imagery and shows the same location photographed in June 2025. In this photograph, the garage has been demolished with its grey roofs visible in Photographs C and D replaced with a lighter coloured hardstanding that contrasts with the adjacent darker hardstanding.

Photographs F and G were taken by me on 27th March 2026 and show the application site as it appears today. The house at Star Farm is visible in Photograph F and this corresponds with its position to the south of the application site visible in Photographs C, D and E. The lighter coloured hardstanding – inevitably a result of it previously being protected from the elements by the roof of the garage - visible in Photograph E can also be seen. It is also possible to identify the distinctive footprint of the demolished garage in Photograph F by the grassed area adjacent to the fence that fell outside the footprint but was enclosed on two sides by the former building. Photograph G shows part of the footprint of the southernmost section of the former garage. The blockwork on the perimeter of the hardstanding would have supported the external walls of this part of the building.

The above evidence confirms that the former garage building has been completely demolished to ground level. The independent photographic evidence from Google Earth confirms that this demolition occurred between July 2022 and June 2025. This is aligned with the email correspondence between the applicants and the Council's Planning Department that is first dated January 2025. Photographs F and G categorically confirm that the demolition to ground level has been completed.

Section 56 of the Act

Section 56 of the Act concerns the time when development is begun. Subsection (1) explains that, for the purposes of the Act, development of land shall be taken to be initiated if (a) the development consists of the carrying out of operations, at the time when those operations are begun. Subsection (2) states that development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out. Subsection (4) states that a "material operation" means—

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

Assessment

As confirmed above, planning permission number DC/23/1951 is extant. Condition 2 of the planning permission confirms that the development must be begun before the expiration of three years from the date of the permission – ie by 12th December 2026. There are no conditions or legal agreement that require the submission of further information to the Council for its written approval before the development can commence.

The description of development on the planning permission refers to the erection of a replacement garage and approved Drawing no. SF/05/01A (listed as an approved drawing under the planning permission) confirms the replacement detached garage/store would be constructed on the footprint of an existing garage.

The evidence submitted with this application confirms that the existing garage – in place at the time of the determination of planning permission number DC/23/1951 has been completely demolished with all its materials removed from the site. In my view that is clearly a “material operation” under the Act that constitutes development and therefore the lawful implementation of planning permission DC/23/1951. In this case, demolition of the garage was central to the implementation of the permission because the new garage is to be sited on the footprint of the existing garage. It is the logical, and only realistic means, of lawfully commencing the development and implementing the planning permission.

Conclusions

The information submitted with this application confirms that planning permission DC/23/1951 has been lawfully implemented by the complete demolition of the garage to ground level and the removal of its materials.

In my opinion, sufficient evidence is submitted with this application to indicate that a material commencement to the development permitted under planning permission reference DC/23/1951 has occurred through operational works that have been started within the timescale allowed by condition 2 of the planning permission. This conclusion has been reached having regard to Section 56 of the Act where a material operation is defined. On this basis, I consider the evidence submitted is sufficient to support the application and is sufficiently precise and unambiguous to justify the grant of a Certificate on the balance of probability – the test identified in the Government guidance referred to above. As I am not aware of any evidence to contradict or otherwise make this version of events less than probable, the Certificate should be granted.

The Application

The following documents have been submitted as part of this application;

- The completed application form;
- Planning permission number DC/23/1951;
- The delegated Officer report for planning permission number DC/23/1951;
- Drawing no. SF/05/01A approved under planning permission number DC/23/1951;
- Email correspondence between the applicants and Bethan Tinning, a Planning Officer at Horsham District Council in January and February 2025;
- Photographs A – G; and
- This letter.

I trust this is sufficient for the Council to register and process this application but please do not hesitate to contact me should further information be required. Should the Council have any questions concerning the submitted evidence or my conclusions in this letter I would be pleased to answer them.

Yours faithfully



Chris Wojtulewski , BA (Hons), MTP, MRTPI
Director
For and on behalf of Parker Dann
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