



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0403

Guildenhurst Stud, Lordings Road, Billingshurst, West Sussex, RH14 9JB

DESCRIPTION:

Application to confirm the creation of a Canter Track (Lawful Development Certificate - Existing).

RELEVANT PLANNING HISTORY:

DC/26/0407	Change of Use of land and extension to existing equine arena.	Pending Consideration
DC/26/0404	Application to confirm the continuous use as a horse arena (Lawful Development Certificate - Existing).	Pending Consideration
DC/16/0089	Erection of horse walker	Application Permitted on 16.02.2016
BL/28/91	Erection of barn for use as private stables	Application Permitted on 13.06.1991

SITE LOCATION & APPLICATION DESCRIPTION

The application site, Guildenhurst Stud, is located beyond the defined built-up area boundary of Billingshurst and comprises residential properties to the north of the site, with stables, an equine area, horse walker and canter track to the southern part of the site. The site is not within a conservation area and there are no Article 4 Directions or Enforcement notices applicable to the site.

PLANNING ASSESSMENT

The application seeks a Certificate of Lawful Development to confirm the canter track on the site has been in situ and was substantially completed for a period in excess of 4 years, where the development has become immune from enforcement action and planning permission is not therefore required.

Article (2) of Section 191 of the Town and Country Planning Act 1990 states:

“For the purposes of this Act uses and operations are lawful at any time if –

- (a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and*
- (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.”*

The land and matters subject of this application are not subject of an extant enforcement notice, as such, there would be no automatic exemption from the grant of a certificate of lawfulness by virtue of the provisions of S.191(2)(b) TCPA 1990.

Applicant's Evidence

- Planning Statement

- Location Plan
- Block Plan

Council's Evidence

- HDC Democratic Services and Elections Consultation Response
No comments
- HDC Benefits and Revenues Consultation Response
Property's council tax details confirmed.
- Billingshurst Parish Council Consultation Response
Comments: Neutral response, no cause for objection to the plans as submitted
- Officer's Site Visit Photos
- Google Earth Images dated from August 2018 to June 2025
- Site's Planning History
- Council's Internal Aerial Images – dated 2018, 2025
- Sales Particulars - Guildenhurst Stud, dated 2025.

The applicant details within their Planning Statement that the works undertaken to create the canter track, were substantially completed, without the benefit of planning permission, prior to April 2020. Therefore, they contend, that it is immune from enforcement action (and also subject to the 4-year rule for operational development completed prior to April 2024).

Section 191(4) of the Town and Country Planning Act 1990 states 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 Gabbitts 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".

The evidence supplied by the applicant solely relies on the Planning Statement, with no further evidence supplied. The first aerial image showing a resemblance of the canter track, appear within an August 2018 Google Earth image, however at this stage, it appears to solely be a grass track. This remains the same until February 2021, when this aerial image shows the track has been formalised, with what appears to be gravel having been laid across the whole track. The subsequent aerial images until present day, confirm the track remains unchanged and correlates with the photos shown within the 2025 Sales Particulars for the land, which shows a formalised gravel canter track.

On the basis of the available information, it has been demonstrated, on the balance of probability, that the canter track has been substantially completed for a period in excess of 4 years prior to the date of this application. It is therefore recommended that a certificate of lawfulness should be granted.

Recommendation: Application Permitted

Conditions:

- 1 It has been demonstrated, on the balance of probability, that the canter track, as shown outlined in red on the attached plan, has been substantially completed for a period in excess of 4 years prior to the date of this application.
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Plans list for: DC/26/0403

(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
Location plan	Location Plan	01	05.03.2026
Block plan	Existing Block Plan	02	05.03.2026
Supporting Statement	Planning Statement	NONE	05.03.2026

DELEGATED

Case Officer sign/initial Sam Nye Date: 30/04/2026

Authorising Officer sign/initial Guy Everest Date: 30.04.2026

SITE PLAN

