



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0404

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

DESCRIPTION:

Application to confirm the continuous use as a horse arena (Lawful Development Certificate - Existing).

RELEVANT PLANNING HISTORY:

DC/26/0407	Change of Use of land and extension to existing equine arena.	Pending Consideration
DC/26/0403	Application to confirm the creation of a Canter Track (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 an equine arena (sandschool) was substantially completed for a period in excess of 4 years, and its equestrian use has continued for a period in excess of 10 years, so 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
- Aerial Image – dated December 2005.

Council's Evidence

- HDC Democratic Services and Elections Consultation Response
No comments
- HDC Benefits and Revenues Consultation Response
No comments
- 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 December 2001 to June 2025
- Site's Planning History
- Sales Particulars - Guildenhurst Stud, dated 26/06/2012.

The applicant details within their Planning Statement that the works undertaken to create the equine arena, were undertaken without the benefit of planning permission, prior to December 2005 and has remained unchanged and in an equestrian use, since such this time. Therefore, they contend, that it is immune from enforcement action.

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 is limited, with the case largely reliant on aerial images. Google Earth images as far back as December 2001 show that an equine arena was present and clearly substantially completed at this time. In the subsequent 17 images, dated to the present day, the arena remains in situ and does not appear to have been altered or extended during this period. The arena is also detailed within the Sales Particulars for Guildenhurst Stud dated 26/06/2012, showing the sand school with horse jumps. The sand school is also present within the sales particulars dated 2025, describing the arena as a 60x20m sand and fibre menage. Whilst direct evidence regarding the use of the sand school is limited, the aerial imagery consistently shows an equestrian use of the site, with horses and jumps visible throughout.

It is also clear from the planning history that an equestrian use of the site has been established through previous permissions. Application ref. BL/28/91 (erection of a barn for use as private stables), with a red line covering the wider site, indicates that the use of the land for equestrian purposes was established as early as 1992. The arena is also shown on the approved plans under application DC/16/0089, which granted consent for a horse walker. The officer's report for this application concludes that the property is an established stud farm, comprising a dwelling, stables, sand school and approximately 8 acres of pasture.

Taken together, the planning history and aerial evidence confirm a long-established equestrian use of the site, well in excess of 10 years. In this context, the presence and use of the arena would not represent a material change of use but rather form part of the established lawful use of the wider site. There is no evidence before the council to suggest the use of this arena has changed during this period.

On the basis of the available information, it has been demonstrated, on the balance of probability, that the equine arena has been substantially completed for a period in excess of four years, and has been in a continuous equestrian use associated with the site, for a period in excess of 10 years prior to the date of the 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 equine arena, as 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.
- 2 It has been demonstrated, on the balance of probability, that the equine arena, as outlined in red on the attached plan, has been in a continuous equestrian use for a period in excess of 10 years prior to the date of this application.

Plans list for: DC/26/0404

(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
Photos	Aerial Site Photo - December 2005	NONE	05.03.2026
Supporting Statement	Planning Statement	NONE	05.03.2026
Location plan	Location Plan	01	05.03.2026
Block plan	Existing Block Plan	02	05.03.2026

DELEGATED

Case Officer sign/initial Sam Nye Date: 29/04/2026

Authorising Officer sign/initial Guy Everest Date: 30.04.2026

Site Location Plan

