Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/0425
1 Barnsfold Cottages , Barnsfold Lane, Rudgwick, West Sussex, RH12 3BN

DESCRIPTION:

Application to confirm the continuous residential use in contravention of Condition 3 of application ref RW/64/62 for a period in excess of ten years (Lawful Development Certificate - Existing).

RELEVANT PLANNING HISTORY:

RW/64/62	Proposed pair of agricultural workers cottages with vehicular access. Comment: Outline. (From old Planning History)	Application Permitted on 04.12.1962
RW/3/63	Pair of agricultural workers cottages with vehicular access. Comment: And b. regs. app. 13/02/63 (From old Planning History)	Application Permitted on 19.02.1963

SITE LOCATION & APPLICATION DESCRIPTION

The application site comprises a residential property known as 1 Barnsfold Cottages, which is situated outside of the built-up area boundary, within the parish of Rudgwick. The site is not within a conservation area, and there are no Article 4 Directions or enforcement notices covering the site.

PLANNING ASSESSMENT

This application seeks a Lawful Development Certificate (Existing) to confirm that the property has been continuously occupied in breach of condition 3 of application RW/64/62, for a period in excess of ten years. Condition 3 states the following:

The occupation of the houses shall be limited to persons employed, or last employed, locally in agriculture as defined in Section 119(l) of the Town and Country Planning Act, 1947, or in forestry, and the dependents of such persons.

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
- Supporting Statement containing the following:
  1) RW/64/62 – Decision Notice
  2) RW/3/63 – Decision Notice
  3) Plan, Floorplan, Elevations and Photomontage of 1 Barnsfold Cottages, as existing
  4) Sworn Affidavit of Amanda Rouse and solicitors witnessing statement.
  5) Sworn Affidavit of David Jeremy Mallory Trafford and solicitors witnessing statement.
  6) Sworn Affidavit of Stephanie Vivien Trafford and solicitors witnessing statement.
  7) Tenancy Agreement for the property dated 4th November 2014

Council's Evidence

- Horsham District Council – Revenues Department Consultation Response
- Horsham District Council – Planning Compliance Consultation Response
- Horsham District Council – Democratic Services Consultation Response
- Rudgwick Parish Council Consultation Response.

Assessment of Evidence

The applicant details within their Supporting Statement, that upon the completion of the construction of the property, the initial occupants complied with condition 3 of RW/64/62, as it was occupied by agricultural workers employed by the applicant's father, Mr BSL Trafford. The current owners are David and Stephanie Trafford.

On 21st November 2014, Justin Gosney was granted the tenancy of the property, which he occupied with his partner, Amanda Rouse. They lived together at the property until Justin Gosney's death on 7th August 2024, after which Amanda Rouse has continued to reside there. The applicant confirms that neither Justin Gosney nor Amanda Rouse was employed in agriculture or forestry at the time the tenancy commenced, nor at any point during their respective lives. It is stated that Justin Gosney worked as an Information Technology Consultant, while Amanda Rouse was employed as an accountant.

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

- Appendix 4 – Affidavit of Amanda Rouse
  Amanda Rouse confirms she has occupied No.1 Barnsfold Cottages continuously since 21st November 2014 with her late partner, Justin Gosney, until his death in August 2024, and thereafter alone. She states that neither she nor Justin Gosney has ever worked in agriculture or forestry, nor have they ever been dependants of such workers. This affidavit is witnessed and signed by a solicitor.

- Appendix 5 – Affidavit of David Trafford
  Mr David Trafford confirms that No.1 Barnsfold Cottages was initially occupied by an agricultural worker employed on his father's farm, and later briefly by one employed by himself and his wife, but by the early 2000s there was no longer a need for a farm worker to reside there. In 2004 the last agricultural tenant, Nigel Hebburn, vacated the property, after which it was redecorated and let to Mr and Mrs Phyfferoen (2004–2014). The tenancy was then granted to Justin Gosney and Amanda Rouse on 21st November 2014, who have occupied the cottage since that date; Justin Gosney, a self-employed IT consultant, lived there until his death on 7th August 2024, while Amanda Rouse, an accountant, has remained in residence. Mr Trafford confirms that neither, Justin, nor Amanda have ever worked in agriculture or forestry, nor qualified as dependants of agricultural workers, meaning the agricultural occupancy condition has been continuously breached since at least 2004. This affidavit is witnessed and signed by a solicitor.

- Appendix 6 – Affidavit of Stephanie Vivien Trafford

Stephanie Trafford corroborates that she has known Amanda Rouse since 2014 and confirms that neither Amanda Rouse nor Justin Gosney has ever worked in agriculture, nor qualified as dependants of an agricultural worker.

- Appendix 7 – Assured Shorthold Tenancy Agreement
  Dated 4th November 2014, this confirms the grant of tenancy of No.1 Barnsfold Cottages to Justin Gosney and Amanda Rouse, commencing 21st November 2014. The agreement contains no reference to any agricultural tie and does state Justin Gosney signed the agreement, in the presence of Ben Sedgwick, who gives their occupation as an IT Manager.

The Council's own evidence confirms the above account. HDC's Democratic Services have confirmed that Justin Gosney and Amanda Rouse were registered to vote at the property between 2015 to 2023. Amanda Rouse is the sole person on the electoral register from 2023 onwards to current day. HDC's Revenues Department has confirmed the property has been banded for council tax purposes since 1st April 1993, indicating the owners as Mr David Trafford and Mrs Stephanie Trafford. The latest tenants, with effect from 21st November 2014 were the late Justin Gosney and Amanda Rouse, with Amanda still residing at the property.

Balance of Probability

The key test in determining this application is whether the evidence provided is sufficiently precise and unambiguous to demonstrate, on the balance of probabilities, that the agricultural occupancy condition attached to permission RW/64/62 has been breached for a continuous period of more than ten years prior to the date of the application. The material submitted, including sworn affidavits, tenancy agreements, and supporting council records, confirms that since at least November 2014 the property has been occupied by individuals who have never worked in agriculture or forestry and who are not dependants of such workers, thereby representing a continuous breach of the condition. Whilst no evidence such as payslips or employment contracts has been produced to verify non-agricultural employment, the affidavits have been signed and witnessed before a solicitor and are therefore afforded significant weight. The Council has no reason to doubt the reliability of these statements, and in the absence of any contrary evidence, the claims made are accepted as fact on the balance of probabilities.

It is therefore considered, on the balance of probability, that the dwelling has been used in breach of the agricultural occupation condition for a period in excess of 10 years from the date of the application.

Recommendation: Application Permitted

Conditions:

1 It has been demonstrated on the balance of probability that the dwelling, outlined in red on the attached plan, has been occupied as a dwellinghouse in breach of condition 3 of RW/64/62, for a continuous period in excess of 10 continuous years (up until the date of this application).

Plans list for: DC/25/0425
(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		NONE	19.03.2025
Supporting Statement	Supporting Statement	NONE	19.03.2025

DELEGATED

Case Officer sign/initial Sam Nye Date: 18/08/2025

Authorising Officer sign/initial Tamara Dale Date: 19/08/2025

PLAN

