

MME PLANNING SERVICES

Lawful Development Certificate Existing to confirm that
part of a building has been in use as a commercial office
for a period in excess of 10 years.

at

Nyetimber Farm, Gay Street, Pulborough, West Sussex,
RH20 2HH

Planning Statement

Ref: P-083

April 2026

Version 1

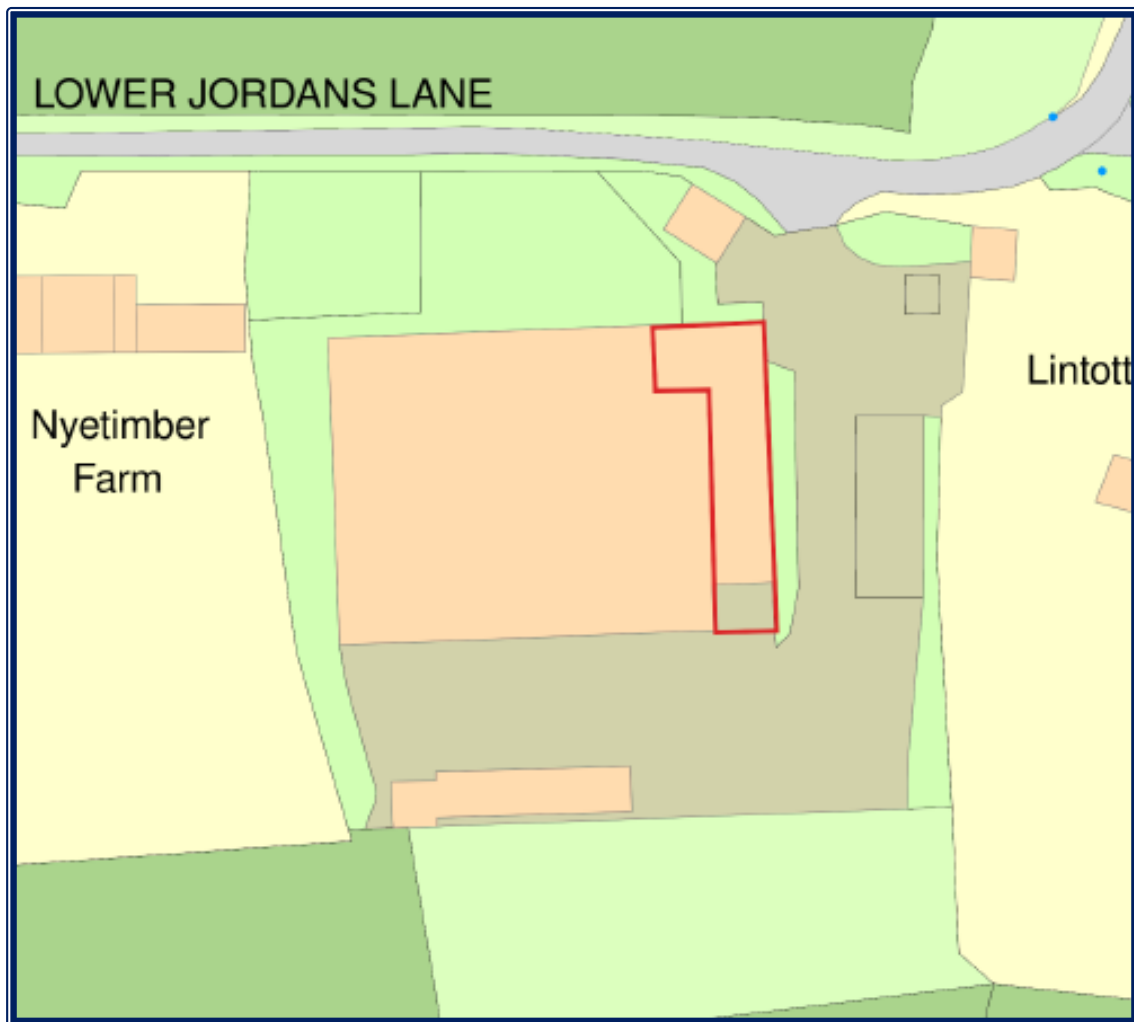


Figure 1: Application Site

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1. Introduction

- 1.1 This statement is submitted in support of an application for a Certificate of Lawfulness (Existing) under Section 191 of the Town and Country Planning Act (1990) relating to the use of a section of the building at Nyetimber Farm, Gay Street, Pulborough, West Sussex, RH20 2HH, as indicated in red on the accompanying map at **Appendix A**, as a commercial office for a period in excess of 10 years.
- 1.2 The section of the building, as indicated in **Appendix A**, has been used as a commercial office in its current form since May 2014. The application to which this statement relates seeks confirmation from the planning authority that the building has been used for this purpose and is therefore lawful.
- 1.3 This statement sets out the following:
- Background and relevant history.
 - The appropriate tests and considerations.
 - The evidence submitted to support the application.
- 1.4 The appendices provide all relevant evidence, including 4no sworn Statutory Declarations.

2. Site, Surroundings and Background

- 2.1 The application site relates to an existing commercial office situated within a portion of an existing barn building located on the eastern side of Gay Street and to the south of Lowe Jordans Lane. The site is located outside of any defined built-up area boundary and is therefore located in the countryside in policy terms.
- 2.2 The holding of Nyetimber Farm contains the main dwelling with an outbuilding, agricultural / paddock land, a stable building and a large barn with a commercial office, as shown outlined at **Appendix A**. The barn has a single-storey side addition to the eastern elevation which contains the majority of the commercial office.
- 2.3 Mr and Mrs Tom and Ruth Simmonds (the Applicants) are the owners of the site / property at Nyetimber Farm, Gay Street, Pulborough, RH20 2HH. They purchased the property / wider site in September 2006 and currently reside at the main dwelling on site with their immediate family.

- 2.4 Following their purchase of the site in 2006, the Applicants converted a small section of the single storey side addition attached to the large barn into a small office area, which was used as a home office and in association with the operations of the wider farm. The office use was regularised under planning reference DC/07/0333 in September 2007.
- 2.5 Following the formation of the Applicants' business Allsaved Ltd in 2008, the Applicants started to operate this commercial business from the permitted office space and this acted as its headquarters and primary office for the operations of the business.
- 2.6 In April 2014, the Applicants hired Chadwick Homes Ltd to renovate and extend the commercial office space as indicated on the attached plan at **Appendix A**. This also included some modest external alterations to the single storey side projection to the eastern side of the barn, as shown in the photos within **Appendix B**. The works also included the conversion of a portion of the barn to form storage and ancillary facilities in association with the commercial office.
- 2.7 **Appendix C** contains the invoice from Chadwick Homes Ltd for these works dated April 2014. The works were carried out and completed, with no further changes or alterations made up to the present date. The operations of Allsaved Ltd and the office use continued as the works were carried out.
- 2.8 The expanded and renovated commercial office space includes a main entrance / lobby area, two (2) office spaces with desks and meeting areas, two (2) ancillary storage areas, a kitchen area and a WC. The works carried out also includes the creation of a small raised outdoor amenity area to the rear / south of the office, as shown within **Appendix B**. All the works to form the commercial office in its current form were completed in May 2014.
- 2.9 Following the completion of the works to create the expanded commercial office, the Applicants continued to operate Allsaved Ltd from here until the end of April 2021, after which the head office of Allsaved Ltd was moved to Unit 3 Trade Park, Stane Street, Billingshurst, England, RH14 9HP.

- 2.10 Subsequently, and following some decorating and refurbishment works, the Applicants started to rent out the commercial office space at Nyetimber Farm to Gozone Ltd from May 2021. The tenancy agreement signed with Gozone Ltd in May 2021 is attached at **Appendix D**. Gozone Ltd used the commercial office space continuously from May 2021 up to November 2025. Their tenancy agreement was for a period of five (5) years, as detailed within **Appendix D**.
- 2.11 Gozone Ltd was purchased by ADSL Ltd in November 2025 who have continued to rent and use the commercial office space up to the present day. The tenancy agreement signed with ADSL Ltd is attached at **Appendix E** and is for a period of five (5) years.
- 2.12 In addition, the commercial office space has also been rented and used by Informed Risk Ltd since May 2021. The tenancy agreement signed with Informed Risk Ltd in May 2021 is attached at **Appendix F**. Informed Risk Ltd has used the commercial office space continuously from this date up to the present day. The owner / managing director of Informed Risk Ltd, Mr Christopher Metters, is a chartered accountant and provides financial risk advice and acts as a non-executive financial advisor to Allsaved Ltd. These services are provided in lieu of monthly rent for the office space at Nyetimber Farm.
- 2.13 The commercial office space, as shown outlined in red at **Appendix A**, has been shared by the companies detailed within paragraphs 2.10-2.12 above.
- 2.14 It is noted that the tenancy agreements show the landlord as 'Nyetimber Projects'. It is confirmed that this is not a separate company but simply the name given to the wider holding operations of the Applicants at Nyetimber Farm. The tenancy agreements have the signature of Mr Tom Simmonds confirming that the landlords are the Applicants.
- 2.15 The commercial office at Nyetimber Farm, as outlined in red at **Appendix A** and detailed within the supporting appendices, has been in continuous use as a commercial office in its current form from May 2014 up to the present day and has not been used for any other purpose / use.

3. Tests & Considerations

- 3.1 The planning merits of the use, operation or activity on the land are not relevant in the assessment of a Certificate of Lawful Use or Development. In considering whether to issue a certificate, an assessment must be made entirely on the factual evidence available to officers.
- 3.2 The Town and Country Planning Act 1990, Section 191(1)(b) states that: Any person who wishes to ascertain whether any operations which have been carried out in, on, over or under land are lawful may apply to the Local Planning Authority for a lawful development certificate. S.191(2) states that the uses can be lawful if the time of enforcement has expired.
- 3.3 S.191(4) of the 1990 Act states that: If the Local Planning Authority is satisfied that the operation is lawful, it must grant the certificate. In any other case it must refuse the certificate. The applicant(s) has the burden of proving that the use is lawful on the balance of probability, i.e., that it is more likely than not that the use is lawful.
- 3.4 National Planning Practice Guidance Index states that: The applicant is responsible for providing sufficient information to support an application, although a Local Planning Authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the planning status of the land. A Local Planning Authority is entitled to canvass evidence if it so wishes before determining an application.
- 3.5 If a Local Planning Authority obtains evidence, this needs to be shared with the applicant who needs to have the opportunity to comment on it and possibly produce counter evidence.
- 3.6 In the case of applications for existing use, 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'.
- 3.7 Section 171B (2) of the Act establishes that unauthorised development involving the change of use of buildings (or parts of buildings, as per the definition within Section 336) becomes immune from enforcement action after a period of 10 years has elapsed.
- 3.8 Section 171B (1) of the Act establishes that unauthorised operational development becomes immune from enforcement action after a period of 4 years has elapsed.

- 3.9 Section 115 amends section 171B(1) and (2) of the Act to extend the time period in which local planning authorities can take enforcement action against unauthorised development in England from 4 to 10 years.
- 3.10 Case law (Gabbitas v SSE and Newham LPC [1985] JPL 630) and Government advice, in paragraph 8.15 of Annex 8 of Circular 10/97 state, in an appeal against the refusal of a lawful development certificate, that the appellant's evidence does not need to be corroborated by independent evidence to be accepted. The appellant's version of events should be accepted unless: It is not sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probabilities - The LPA has evidence of their own that contradicts or makes the appellant's version of events less than probable - The LPA has evidence from a third party which has the same effect.

Considerations

- 3.11 It is contended that, on the balance of probability, the evidence submitted is sufficiently clear, concise and substantive to demonstrate that the section of the building as outlined in red at **Appendix A** has been used as a commercial office, without any intervening uses, for a period of more than 10 years.
- 3.12 The following chapter will outline that the applicant can demonstrate that the use has taken place continuously for over 10 years.

4. Submissions and Evidence

- 4.1 As set out in Section 3, the test to satisfy in relation to Lawful Development Certificate applications for existing uses is 'on the balance of probability' provided the applicant's evidence is sufficiently precise and unambiguous.
- 4.2 The area of land / section of the building outlined in red at **Appendix A** which is the subject of this application has been used as a commercial office from May 2014, continuously up to the present day in its current arrangement, with no other intervening uses.

4.3 We submit the following evidence in support of this submission:

1. Statutory Declarations from:

- i. Mr Tom Simmonds (Owner / Applicant)
- ii. Mrs Ruth Simmonds (Owner / Applicant)
- iii. Mr Christopher Metters (Office Tenant)
- iv. Mr Harry Woodage (Managing Director of Allsaved Ltd)

2. Other Evidence:

- i. Photographic Evidence
- ii. Tenancy Agreements
- iii. Additional Evidence

Statutory Declarations

4.4 We have provided statutory declarations from the Applicants, the managing director of Allsaved Ltd and a current tenant of the subject commercial office as detailed above, which are contained within **Appendices G, H, I and J**, confirming the details and the timings of the use, as set out in section 2 of this statement.

4.5 The declarations are clear, concise, and unambiguous and are considered to be of significant weight in setting out the existing situation in relation to the application site and the use as a commercial office.

Other Evidence

4.6 In addition to the statutory declarations provided, this application is supported by other evidence.

Photographic Evidence

4.7 Photos showing the application site / building in its current form are provided at **Appendix B**, with the various elements as set out within section 2 of this report.

Tenancy Agreements

4.8 **Appendices D, E and F** include previous and current tenancy agreements covering the period from May 2021 up to the present day.

Additional Evidence

- 4.9 **Appendix C** includes an invoice from the contractor Chadwick Homes who carried out the works to the office in April 2014.

5. Summary and Conclusion

- 5.1 In conclusion, it is contended that the above and attached supporting evidence clearly demonstrates, on the balance of probability, that the section of the building as outlined in red at **Appendix A** has been used as a commercial office, without any intervening uses, for a period of more than 10 years.
- 5.2 Statutory declarations are provided which confirm the above and the history of the site and how it has been in use, as set out above.
- 5.3 The Planning and Compensation Act 1991 states that planning enforcement action against breaches of planning control must be taken within 10 years in respect of the use(s) of buildings / land.
- 5.4 As the site has been used as a commercial office, without any intervening uses, for a period of more than 10 years, the use is now immune from enforcement. A Certificate of Lawful Development is therefore sought to establish that the use is lawful.

6. List of Appendices

- 6.1 The following Appendices are included together with this statement –

- Appendix A – Location / Site Plan
- Appendix B – Photos of Application Site
- Appendix C – Invoice for Works from Chadwick Homes
- Appendix D – Gozone Ltd Tenancy Agreement
- Appendix E – ADSL Ltd Tenancy Agreement
- Appendix F – Informed Risk Ltd Tenancy Agreement
- Appendix G – Statutory Declaration – Mr Tom Simmonds
- Appendix H – Statutory Declaration – Mrs Ruth Simmonds
- Appendix I – Statutory Declaration – Mr Harry Woodage
- Appendix J – Statutory Declaration – Mr Christopher Metters