Horsham District Council

Application for a Lawful Development Certificate for an Existing Use or Operation or Activity, including those in breach of a planning condition

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number: 40

Suffix:

Property Name:

Address Line 1: Heydon Way

Address Line 2:

Address Line 3: West Sussex

Town/city: Broadbridge Heath

Postcode: RH12 3GN

Description of site location must be completed if postcode is not known:

Easting (x): 514421

Northing (y): 130986

Description:

Applicant Details

Name/Company

Title

First name

James

Surname

Weller

Company Name

Address

Address line 1

40 Heydon Way

Address line 2

Address line 3

Town/City

Horsham

County

Country

United Kingdom

Postcode

RH12 3GN

Are you an agent acting on behalf of the applicant?

◯ Yes
⊘ No

Contact Details

Primary number

***** REDACTED ******

Secondary number

Fax number

Email address

***** REDACTED ******

Reason for Lawful Development Certificate

Please indicate why you are applying for a lawful development certificate

- [x] An existing use
- [ ] Existing building works
- [ ] An existing use, building work or activity in breach of a condition

Being a use, building works or activity which is still going on at the date of this application.

If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please select the relevant Use Class.

Change of use

Description of Existing Use, Building Works or Activity

Please fully describe each existing use, building works or activity for which you want the lawful development certificate. Where appropriate, show to which part of the land each use, building works or activity relates

Partial conversion of garage (before our ownership) into habitable accommodation. Works completed in November 2023 (building control certificate of completion SBC/16/1229/BB). The garage can still accommodate a vehicle even with the works completed.

Grounds for application for a Lawful Development Certificate

Under what grounds is the certificate being sought

- [ ] The use began more than 10 years before the date of this application
- [ ] The use, building works or activity in breach of condition began more than 10 years before the date of this application
- [x] The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- [ ] The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- [ ] The use as a single dwelling house began more than four years before the date of this application
- [ ] Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation?

- [ ] Yes
- [x] No

Please state why a Lawful Development Certificate should be granted

A potential planning breach investigation EN/24/0110 was raised on the 18th March 2024 and closed on the 21st March 2024 after information was received from the owners of the property at that time. Planning Officer Jo Hopkins-Brown investigated the potential breach and concluded the works did not breach condition 12 of DC/11/2074 and no further action will be taken on the basis that the garage can still accommodate a vehicle. Therefore we (as the new owners) believe the works did not breach any planning conditions and in order to avoid problems upon future sale, we are willing to pay for the Lawful Development Certificate as proof of this.

Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

28-11-2023

In the case of an existing use or activity in breach of conditions has there been any interruption?

◯ Yes
⊘ No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?

◯ Yes
⊘ No

Residential Information

Does the application for a certificate relate to a residential use where the number of residential units has changed?

◯ Yes
⊘ No

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

◯ Yes
⊘ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

◯ The agent
⊘ The applicant
◯ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

⊘ Yes
◯ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

First Name

***** REDACTED ******

Surname

***** REDACTED ******

Reference

Email conversation

Date (must be pre-application submission)

25/04/2024

Details of the pre-application advice received

We were advised by the previous owners that planning permission was not required for the part garage conversion (we explicitly asked via our solicitor). We had insisted that the part conversion had building regulations sign off before we would continue the purchase.
We were not aware of condition 12 of DC/11/2074 and we were also not made aware by the previous owner that (during the conveyancing process) the previously referenced investigation into a potential breach was both raised and closed. I discovered reference to the breach investigation on the Horsham council building regulations portal, when looking for other documentation. I contacted Ms Hopkins-Brown directly, as I could see she had been responsible for the investigation (no other information was available online). She advised me via email that it was concluded that there was no breach but also advised it would be possible to apply for a LDC (existing). This is the reason for our application at this point.

Interest in the Land

Please state the applicant's interest in the land

- [x] Owner
- [ ] Lessee
- [ ] Occupier
- [ ] Other

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:
(a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- [ ] Yes
- [x] No

Declaration

I/We hereby apply for Lawful development: Existing use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.
I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.
I/We also accept that, in accordance with the Planning Portal's terms and conditions:
- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☑ I / We agree to the outlined declaration

Signed

James Weller

Date

07/05/2024