



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/2061
The Little Hundred, Brighton Road, Henfield, West Sussex, BN5 9RT

DESCRIPTION:

Application to confirm use as a single dwellinghouse (Lawful Development Certificate - Existing).

RELEVANT PLANNING HISTORY:

HF/26/66	Service cottage	Application Permitted on 08.06.1966
HF/36/65	Site for service cottage Comment: Outline	Application Permitted on 04.08.1965
HF/4/76	Extension to provide additional bedroom	Application Permitted on 25.02.1976
HF/51/80	Extension of existing bungalow to provide additional bedroom (renewal of hf/4/76)	Application Permitted on 19.08.1980
HF/60/74	Erection of additional garage alongside existing	Application Permitted on 17.10.1974
HF/67/70	Removal of condition 3 of hf/36/65	Application Permitted on 05.11.1970

SITE LOCATION & APPLICATION DESCRIPTION

The application site, The Little Hundred, sits within the Parish of Henfield, located outside any built-up area boundary and comprises a single storey building. The site is not within a conservation area and there are no Article 4 Directions or applicable enforcement notices covering the site.

The application seeks a Certificate of Lawful Development to confirm the building, known as The Little Hundred, has been used as a single dwellinghouse on a date four years prior to this application.

PLANNING ASSESSMENT

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 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".

Applicant's Evidence

- *Location Plan*
- *Block Plan*
- *Site Plan*
- *Photographs of The Little Hundred*
- *Planning Statement*

This statement details that it is believed that The Little Hundred was originally erected as an annexe to the main house, The Hundred, however there is no available planning history. It furthers by stating that the dwelling was originally constructed as an outbuilding and has been in place since its purchase as a dwelling by Annette Smith, in 2007. Annette occupied the building as her home, even after the ownership was passed to her nephew, Clifford Smith, until her death in April 2024. As such, the applicant states the building was occupied as an independent residence for in excess of four years and is therefore lawful by virtue of time.
- *Clifford Albert Smith – Statutory Declaration*

This Statutory Declaration by the applicant, Clifford Smith, confirms that they have owned the land and buildings at *The Little Hundred* since August 2017, when they purchased the property from their aunt, Annette Smith. Annette had owned the property since July 2007 and occupied it as her residence from that date until her death in April 2024. A copy of the Land Registry Title Plan is attached, confirming Clifford Smith as the current registered owner.
- *Southern Water Bill*

For the period June 2021 to December 2021, in the name of Clifford Smith under the property address, The Little Hundred.
- *EDF – Energy Bill*

For the period March to April 2025, in the name of Clifford Smith under the property address, The Little Hundred.
- *Department for Work & Pension Letter*

This letter, dated 10th October 2022, confirms the recipient Annette Smith, was registered under the property address, The Little Hundred and receiving Winter Fuel Payments for this address.
- *Bank Statement*

This letter, dated 12th April 2025, is in the name of Mrs Annette Smith, under the property address, The Little Hundred, covers the period March 2024 to March 2025.

Council's Evidence

- *Henfield Parish Council Consultation Response*
- *HDC Democratic Services Consultation Response*

Confirms Annette Smith has been registered at the property since at least 2014.
- *HDC Benefits and Revenues Response*

Confirms the property has been in Council Tax since 01.04.2003, in the name of Mrs Annette Smith. On 27.09.17, contact was made with the department, confirming the change in ownership, but advising Mrs Smith would continue to reside at the property. The account is still open, having not been advised of her death.
- *HDC Planning Compliance Response*

Comments received

- *Site's Planning History*
- *Lawful Development Certificate Questionnaire Response – Holedean Farmhouse*
Respondent confirms they have no knowledge of the site.
- *Lawful Development Certificate Questionnaire Response – Peacock Paddock*
Respondent confirms they have lived opposite the site since 1977, regularly seeing the female occupant of the property, who they believe to be Mrs Smith, walking her dog nearby. They confirm the building is a bungalow and only seems to have been used as a residential property.
- *Lawful Development Certificate Questionnaire Response – The Hundred*
Respondent confirms they moved into their property 4 years ago but the occupant, Annette Smith passed away shortly after. The respondent is aware ownership was changed prior to Mrs Smith's passing and provides further details around the believed circumstances of this. The only activity heard in recent times is ongoing building work and gardeners working on the site.

Assessment of Evidence

Whilst the applicant states within their submission that there is no planning history associated with this dwelling, the council's internal records show that outline consent was originally granted for a service cottage in 1965 (ref. HF/26/66). This application included condition 3 which states:

"The occupation of the dwelling shall be limited to persons employed at The Hundred, Brighton Road, Henfield.

Reason: Because the site lies in an area where permission for residential development not required as service accommodation would not normally be permitted."

A subsequent reserved matters application followed in 1966 under reference HF/26/66, along with four further applications. A subsequent application under reference HF/67/70 permitted the removal of condition 3. To this effect, the residential accommodation was severed from the dwelling known as The Hundred and became a separate and independent dwelling.

The evidence available indicates that the property known as The Little Hundred was sold off separately in 2007. The Register of Title provided by Mr Smith confirms that the land title was first registered on 23 July 2007 with Annette Smith recorded as the purchaser, and that Mr Smith became the registered owner in June 2017.

Whilst the evidence provided by the applicant relating to Mrs Smith's occupation of the building is minimal, Mr Smith's statutory declaration has been signed and witnessed before a solicitor and is therefore afforded significant weight. Furthermore, the council's own evidence collected as part of this application process, including responses from HDC's Democratic Services, the Benefits and Revenues Department, and the Lawful Development Questionnaires provided by neighbours, confirms that Mrs Smith resided at the property for a period well in excess of four years. The council has no reason to doubt the reliability of this statement, or of the other corroborating evidence, and in the absence of any contrary information, the claims made are accepted on the balance of probabilities.

The removal of condition 3 of planning permission HF/36/65 under planning reference HF/67/70 allowed the dwelling to be occupied separately and independently, and thus created a new planning unit. The evidence submitted by the applicant is sufficiently precise and corroborated to demonstrate that the dwelling has been continuously occupied from this time. Therefore, on the balance of probability, the building has been used as an independent residential dwelling for a continuous period in excess of four years. It is therefore recommended that a certificate of lawfulness be granted.

Recommendation: Application Permitted

Conditions:

- 1 It has been demonstrated, on the balance of probability, that the buildings (outlined in red on the attached plan) has been used as an independent residential dwelling for a continuous period in excess of 4 years (up until the date of this application).

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/25/2061

(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
Supporting Statement	Planning Statement	NONE	23.12.2025
Supporting Docs	Bank Statement and Winter Fuel Letter - A Smith	NONE	23.12.2025
Supporting Docs	Utility bills - C Smith	NONE	23.12.2025
Supporting Docs	Statutory Declaration and Title Register - C Smith	NONE	29.12.2025
Location plan	Location Plan	NONE	10.12.2025
Block plan	Block Plan	NONE	10.12.2025
Photos	Photos x3 - The Little Hundred	NONE	10.12.2025

DELEGATED

Case Officer sign/initial Sam Nye Date: 20/02/2026

Authorising Officer sign/initial Tamara Dale Date: 23.02.2026

PLAN

