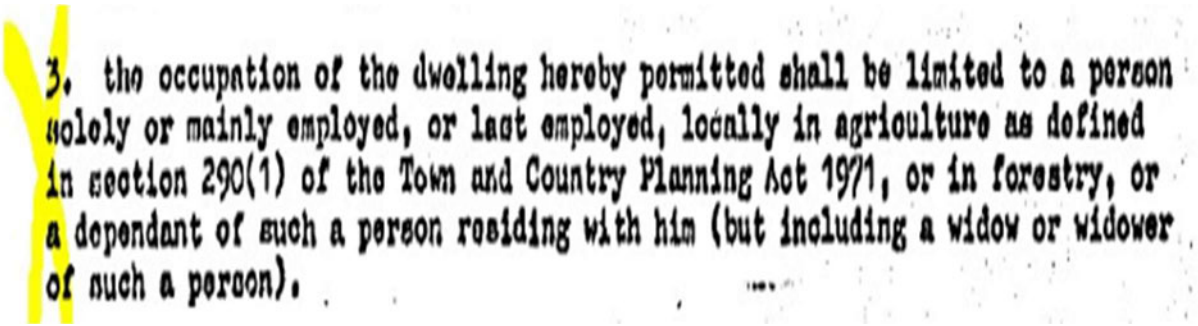
Planning / timeline statement to accompany Lawful Development application with regards non-compliance with agricultural occupancy condition 3 of application AS/38/74.

Westlands Farm, Billingshurst Rd, Ashington, Pulborough, West Sussex,

RH20 3BB

The residential dwelling was permitted under application AS/38/74. The evidence contained in this statement confirms that there has been a breach of condition 3 on the basis that **for in excess of 10 years (and ongoing) the property has NOT been occupied in accordance with the agricultural occupancy limitation that**,



3. the occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed, or last employed, locally in agriculture as defined in section 290(1) of the Town and Country Planning Act 1971, or in forestry, or a dependant of such a person residing with him (but including a widow or widower of such a person).

Timeline details below from applicant:

The occupier Jennifer Hendriksen, for more than the last 10 years of her occupation and ongoing at **Westlands Farm has always been, *both in terms of percentage of income and hours spent*, solely or mainly employed and derived her income through non farming rental income**, pension income and interest received as opposed to farming.

The letters below from Jennifer's accountant confirms her primary income covering the period from 2011 – 2021 has been from non-agricultural activity.

From 2021 onwards Jenny has used a different accountancy practice; she confirms that since 2021 ***both in terms of percentage of income and hours spent*, she has been solely or mainly employed and** derived her income **through non farming rental income**, pension income and interest received as opposed to farming.

Morris Palmer Limited

Chartered Accountants
Registered Auditors
Tax Investigation Specialists
Barttelot Court, Barttelot Road, Horsham, West Sussex, RH12 1DQ
Tel: 01403 750444
Email: solutions@morrispalmer.co.uk
www.morrispalmer.co.uk

Our Ref: MS/TH

TO WHOM IT MAY CONCERN

2nd April 2025

Dear Sirs

MRS JENNIFER HENDRIKSEN

We acted on behalf of Jennifer Hendriksen from 2011 to 2020 and during that period we can confirm that Mrs Hendriksen derived her income through rental income, pension income and interest received as opposed to farming. We set out in the table below her earnings covering those years.

Income earned from non-agricultural activity

Years	Land and property	Interest	Pensions	Trusts
2020	[redacted]			
2019				
2018				
2017				
2016				
2015				
2014				
2013				
2012				
2011				

Yours faithfully

[redacted]

For and on behalf of
Morris Palmer Limited

Morris Palmer Limited

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Our Ref: MS/TH

TO WHOM IT MAY CONCERN

4th March 2025

Dears Sirs

MRS JENNIFER HENDRIKSEN

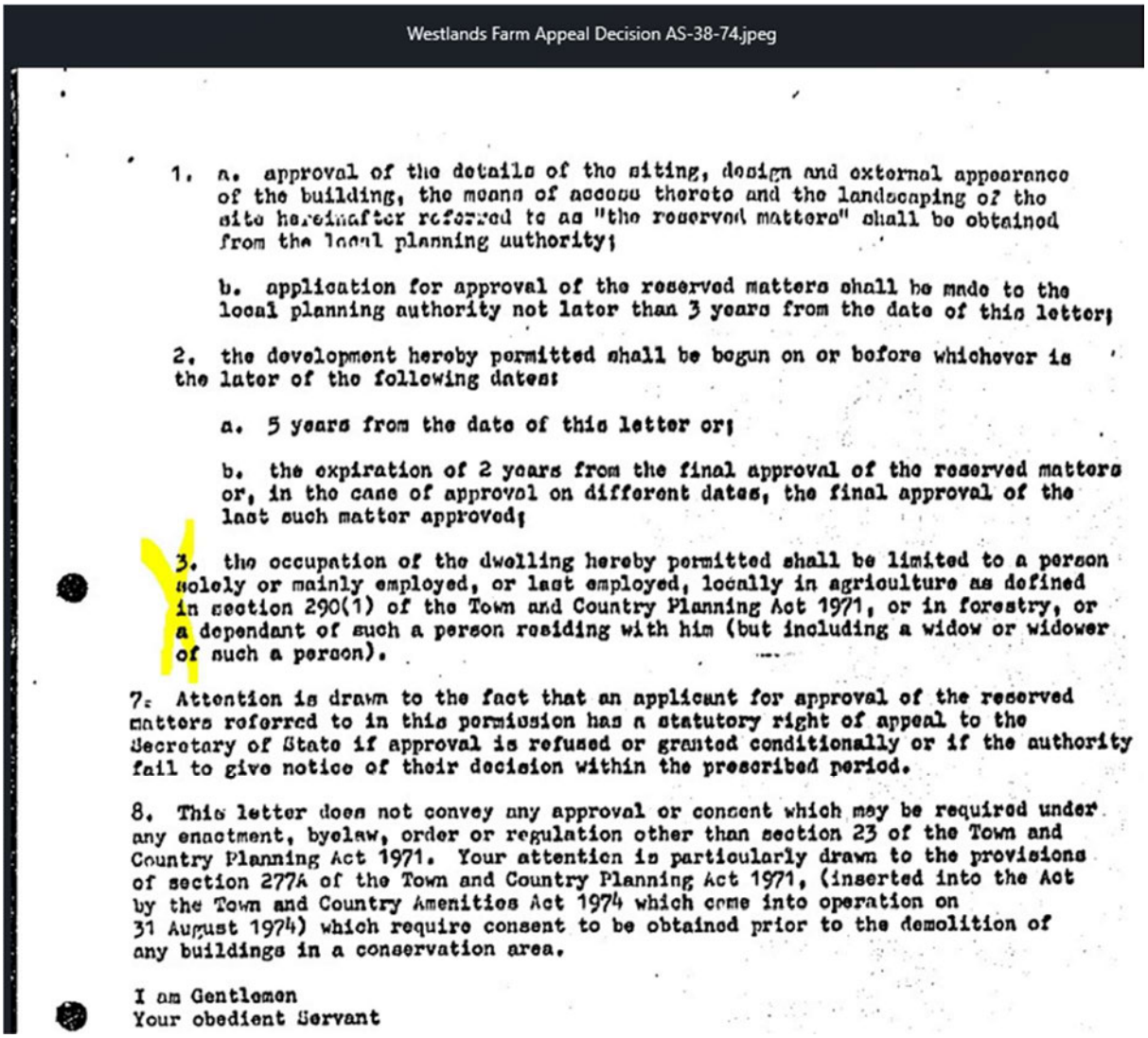
We acted on behalf of Jennifer Hendriksen up until December 2021. The last tax return we completed was for the year ended 5th April 2020 and we can confirm that she derived her income from property.

Yours faithfully

[redacted]

For and on behalf of
Morris Palmer Limited

The extracts from the appeal decision below appear to be in relation to an outline application.



1. a. approval of the details of the siting, design and external appearance of the building, the means of access thereto and the landscaping of the site hereinafter referred to as "the reserved matters" shall be obtained from the local planning authority;

b. application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this letter;

2. the development hereby permitted shall be begun on or before whichever is the later of the following dates:

a. 5 years from the date of this letter or;

b. the expiration of 2 years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter approved;

3. the occupation of the dwelling hereby permitted shall be limited to a person solely or mainly employed, or last employed, locally in agriculture as defined in section 290(1) of the Town and Country Planning Act 1971, or in forestry, or a dependant of such a person residing with him (but including a widow or widower of such a person).

7. Attention is drawn to the fact that an applicant for approval of the reserved matters referred to in this permission has a statutory right of appeal to the Secretary of State if approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

8. This letter does not convey any approval or consent which may be required under any enactment, byelaw, order or regulation other than section 23 of the Town and Country Planning Act 1971. Your attention is particularly drawn to the provisions of section 277A of the Town and Country Planning Act 1971, (inserted into the Act by the Town and Country Amenities Act 1974 which come into operation on 31 August 1974) which require consent to be obtained prior to the demolition of any buildings in a conservation area.

I am Gentlemen
Your obedient Servant

Despite searching the Horsham Planning Portal it has not been possible to find a subsequent reserved matters application.

PLANNING HISTORY

AS/5/66	Extension of existing dutch barn Comment: Outline (From old Planning History)	PER
AS/26/95	Prior notification to erect barn Site: Westlands Farmhouse Billingshurst Road Ashington	REF
AS/30/95	Prior notification to erect an agricultural building Site: Westlands Farm Billingshurst Road Ashington	REF
AS/22/96	Prior notification - erection of agricultural barn Site: Westlands Farmhouse Billingshurst Road Ashington	REF
AS/28/96	Erection of a barn Site: Westlands Farm Billingshurst Road Ashington	PER

Conclusion

Through passage of more than 10 years and ongoing it is clear that there has been non-compliance with agricultural occupancy condition 3 of application AS/38/74.

To this end this statement evidences that the condition should be removed.

Thank you in advance of your balanced consideration of the proposed application.

Please maintain a dialogue with myself and the applicants if you have any questions, concerns or matters that require further elaboration.