Planning Geek

PLANNING REPORT

Site Name : Annexe, Greathouse Farm, Lynwick Street,

Site Location : Rudgwick, Horsham, RH12 3DJ.

Statement in support of an application for a Certificate of Lawfulness of an Established Use or Development (CLEUD) for continued occupation of self contained annex as a separate let to the main dwelling in breach of condition 3 of planning permission RW742/96; Annexe, Greathouse Farm, Lynwick Street, Rudgwick.

On behalf of

Mr M Shaun Lawson.
September 2026.

Job Number C/0533/1

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1.Introduction

1.1. Background.

1.1.1. This statement has been prepared to support an application for a Certificate of Lawfulness of an Established Use or Development (CLEUD) for continued occupation of a self contained annex as a separate let to the main dwelling in breach of condition 3 of planning permission RW742/96.

1.1.2. Sub section (1) of Section 191 of the Planning and Compensation Act 1991 (as amended) provides that:

> ***"191 Certificate of lawfulness of existing use or development.***
>
> *(1) If any person wishes to ascertain whether—*
>
> *(a) any existing use of buildings or other land is lawful;*
>
> *(b) any operations which have been carried out in, on, over or under land are lawful; or*
>
> *(c)any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful,*
>
> *he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter."*

1.1.3. Sub-section (2) specifies the circumstances in which uses and operations are lawful. Under s.191 (2) uses and operations are lawful at any time if no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and they do not constitute a contravention of any enforcement notice or breach of condition notice then in force.

1.1.4. In terms of time limits for enforcement, 171 of the Town and Country Planning Act 1990 provides:

"(3)In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach."

1.1.5. The judgement in *Gabbitas v SSE & Newham LBC [1985] JPL 630* makes it clear that if the local planning authority has no evidence of its own, or from others, to contradict or otherwise make the applicants version of events less than probable, there is no good reason to refuse to grant a LDC, provided the applicants evidence alone is sufficiently precise and unambiguous.

1.2. <u>The Site and its surroundings.</u>

1.2.1. Greathouse Farm, Rudgwick lies on the south side of Lynwick Street, Rudgwick.

1.2.2. The site is part of a large detached house in the countryside. The building itself is rectangular in shape, with 2 storeys.

1.2.3. Image 1 below shows an approximate site boundary on an aerial photograph base. Plan 1 includes an Ordnance Survey Extract which shows the location of the site at 1:1250 scale.

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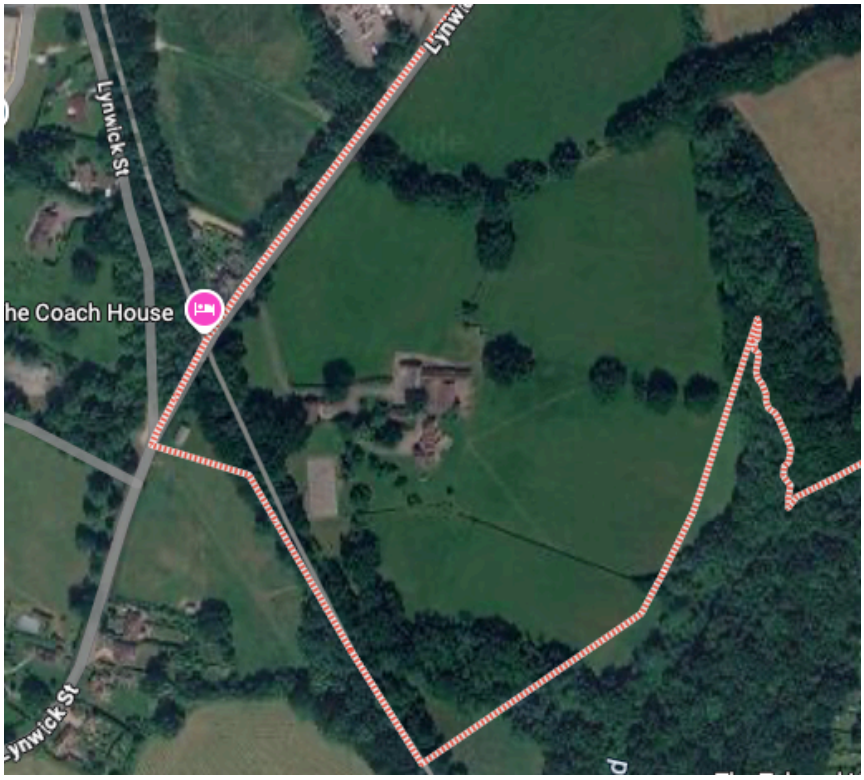


Image 1 – Aerial view of the application site.



Image 2 – Contemporary west facing view of the application building.

1.3. Planning History.

1.3.1. On 10th July 1996 planning permission (ref.RW742/96) was granted for "2 Storey and single-storey extension". Condition 3 provided that *"The accommodation hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of Greathouse Farm as a dwelling and shall not be used as a separate unit of accommodation".*

1.3.2. The purpose of this application is to demonstrate condition 3 was breached more than 10 years ago and that the unauthorised use of the annexe as a separate unit of accommodation has persisted since that time.

2.Case in Support of this Application.

2.1. Statement of all relevant facts.

2.1.1. The Annexe was built as a extension as a "Granny Annexe". The Annexe was originally established as self contained living accommodation for the applicants children prior to September 1999, after which they moved away from home. Since then, the property has been let, most recently from June 2013 to October 2021, then from 14th January 2022 to present. At Appendix 1 are all available tenancy agreements and a summary of tenants and rental periods.

2.1.2. The Annexe is registered as both a separate postal address from the main dwelling, and as a separate dwelling for Council tax purposes.(see Council Tax receipt included at Appendix 2.)

2.1.3. The application is accompanied by a Statutory Declaration from the applicant confirming all the above. This is a legal document to which it is an offence to make false declaration, and as such must be afforded great weight in determining this application.

2.1.4. It is submitted therefore that the Annexe is a separate planning unit demonstrably let as a separate dwelling prior to June 2013, and thereby lawful by way of time elapsed for enforcement.

3.Summary and Conclusion.

3.1. Summary of case.

3.1.1. The application dwelling has demonstrably been let a separate unit of accommodation in breach of condition 3 of planning permission RW742/96 since June 2013.

3.1.2. This un-consented change of use to a separate unit of accommodation in breach of condition 3 of planning permission RW742/96 occurred more than ten calendar years ago and the Local Planning Authority has over that period taken no enforcement action against that breach.

3.2. Conclusion.

3.2.1. On the basis of the facts presented I submit that the change of use of the Annexe, Greathouse Farm to a separate dwelling in breach of condition 3 of planning permission RW742/96 has perpetual immunity from enforcement action and therefore respectfully request that the Council issue a Certificate of Lawfulness of an Established Use or Development (CLEUD) to this effect.