Supporting Statement

Certificate of Lawfulness Application (Existing Use)

Description of development: Use of Static Van as a permanent residence

Site: Static Van at Stud Farm, Capel Road, Rusper, RH12 4PZ

EXL Ref: 23101.05

Date: 6h of May 2025

Client: Mr Stephen Lamb

EXL Project Management Ltd

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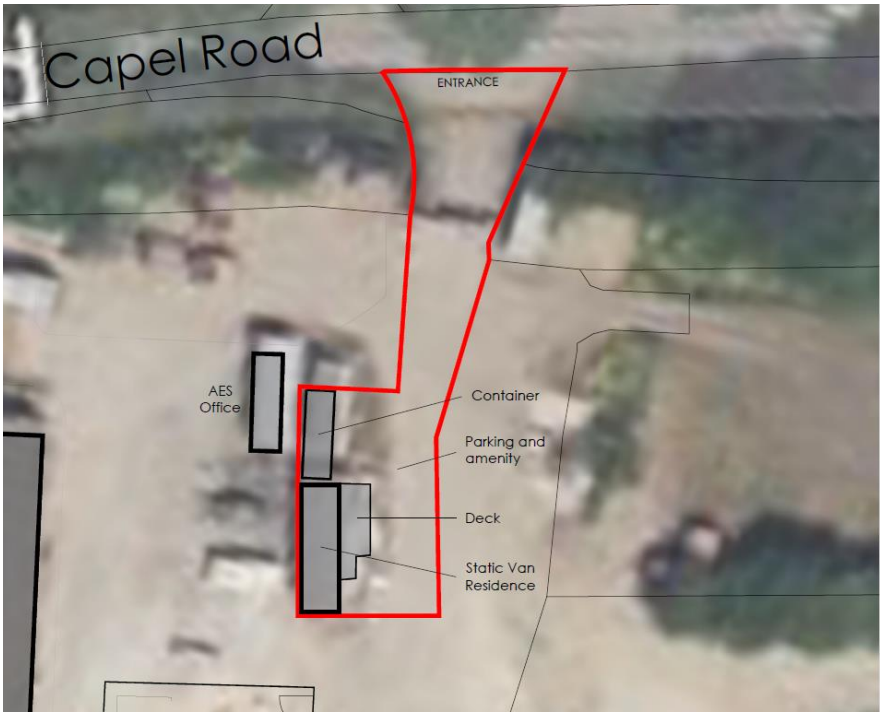
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1. INTRODUCTION

This statement has been prepared in support of an application for a Certificate of Lawfulness – Existing Use – relating to the occupation of a Static Van.

The certificate will establish the lawfulness of the continued use of an existing Static Van as a permanent residence.

The Static Van and immediate curtilage are identified by the Location and Site Plans accompanying this application – extract below.



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2. BACKGROUND

Siting of Static Van

The physical siting of the Static Van within the site was established by a previous CLUED, reference DC/22/1561. The decision reads as follows:

> *"It has been demonstrated on the balance of probability that the site (outlined in red on the attached plan) has been in mixed use as: …*
>
> *…the stationing of a static caravan occupied by a groom employed for the care and upkeep of horses at the site (block shaded and annotated (9) on the attached plan), in excess of 10 years since the date of the application."*

For the avoidance of doubt, the Static Van which is the subject of this CLUED application is the 'block shaded and annotated (9)' within CLUED reference DC/22/1561 and which was thereby certified as Lawful as cited above.

The siting of the Static Van is not therefore in question.

Use of Static Van as a permanent residence

The purpose of this CUED application is to demonstrate that the Static Van and curtilage has been let and occupied as a permanent residence separate from any other use of the wider site; and thereby to certify the lawfulness of that Use.

Government guidance clarifies the time limits for enforcement action. Under the heading "What are the time limits for taking enforcement action?" the guidance states:

> *In most cases, development becomes immune from enforcement if no action is taken:*
>
> *…*
>
> - *within 4 years for an unauthorised change of use to a single dwellinghouse where the change of use took place before 25 April 2024*

For breaches occurring since April 2024, the time limits for enforcement have been amended to a single 10-year limit for all uses. As the change of use considered herein occurred prior to the 25th of April 2024, 4 years remains the relevant limit. The change of use occurred at least as early as 2016 and has been maintained as such since then.

As the evidence provided with this application demonstrates, the Static Van has been used as a single dwellinghouse well in excess of 4 years and is therefore immune from enforcement.

The 'curtilage' of the Static Van includes an area for parking plus a storage container which has again been insitu for well over 10 years and occupied as part of the residential amenity of the Static Van for more than 4 years. It has consistently been let to the occupants of the Static Van as part of the residential curtilage of the same.

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3. EVIDENCE TO DEMONSTRATE THE USE

The Static Van and its curtilage (which includes the storage container) have been occupied by individual tenants for a period exceeding 4 years. In 2016 the first formal tenancy commenced which was completely separate from the use of the wider site as a Stud Farm and the approved occupancy of the Static Van as Grooms Accommodation. The Applicant does not have records relating to the period 2016 to 2018 but has provided a written statement confirming the same (Appendix 5).

Occupancy has consistently been on a commercial i.e. rent-paying basis under Assured Shorthold Tenancy (AST). Each AST has provided for the occupation of the Static Van and use of the immediate curtilage for purposes ancillary to the residential occupation i.e. parking, amenity, storage.

The Static Van occupation and tenancy is scheduled below. Copies of each AST are appended to this statement.

July-24	to	Present	Tom Longman	Appendix 1
July-23	to	October-23	Trevor Furse	Appendix 2
January-21	to	June-23	Elizabeth & Donald Shepherd	Appendix 3
June-18	to	December-20	Tristan Coleman	Appendix 4

It must be noted that:

- Each tenant has had the right to use of the curtilage for the purposes of parking and amenity, as well as access into the site from Capel Road;
- Residential letting of the Static Van has consistently included use of the Storage Container for any use ancillary to use of the Static Van as a residence;
- The tenancies have not been tied in any way to the wider site and businesses thereon.

Also see enclosed a confirmatory statement from Mr S. Lamb – Applicant and Owner - at Appendix 5.

4. SUMMARY

- A Static Van is sited at Stud Farm, Capel Road, Rusper. Its siting is lawful as established by CLUED reference DC/22/1561;
- The Static Van and curtilage has been used and occupied as a private residence for a period in excess of 4 years prior to the 25th of April 2024.
- The occupation over this period has been under Assured Shorthold Tenancy on a commercial basis, occupied by multiple individuals/ couples over the period;
- The occupation over this period has always been separate from any other use of the Stud Farm and has included right of access and use of the curtilage and storage container;
- The Use of the Static Van as a permanent residence is therefore immune from enforcement and should be certified as Lawful.

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