

PLANNING STATEMENT

Application for Certificate of Lawfulness

Agricultural use of the land, identified buildings and part of a building within the red line at Brooklyn Farm, comprising the Traditional Sussex Barn (A1), the Attached Hovel (A2), and that part of the southern range comprising the western end silo bay and two grain silos (B1), including the storage of hay, agricultural equipment and grain.

Applicant: Helyn Clack on behalf of Imperial Buildings (Horley) Limited

Site: Brooklyn Farm, Bonnetts Lane, Ifield, Crawley RH11 0NY

Application: Section 191 Certificate of Lawfulness of Existing Use or Development

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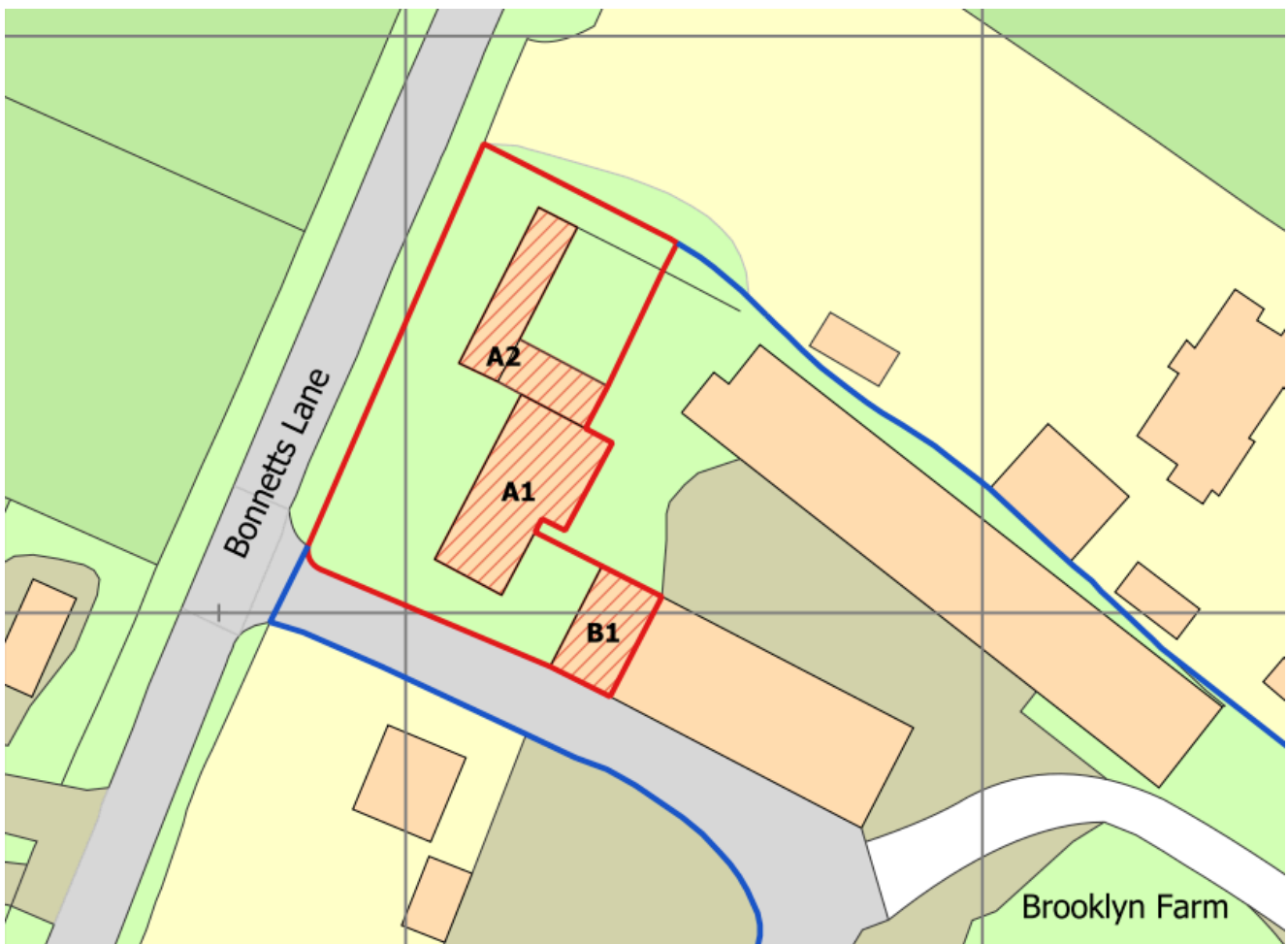
Date September 2026

1. Introduction

1.1 This application is made under section 191 of the Town and Country Planning Act 1990 and seeks a Certificate of Lawfulness of Existing Use or Development in respect of the agricultural use of the land, identified buildings and part of a building within the red line at Brooklyn Farm, comprising the Traditional Sussex Barn (A1), the Attached Hovel (A2), and that part of the southern range comprising the western end silo bay and two grain silos (B1), including the storage of hay, agricultural equipment and grain.

The Application Site is identified on **Figure 1.** (below) and “**Appendix A: Site Photographic Schedule**” submitted with this application.

Figure 1: Building Identification Plan



A1: Traditional Sussex Barn

A2: Attached Hovel

B1: Western End Silo Bay

Land and buildings outside the red line, including the northern range (the pole barn), the remainder of the southern range (1999 Building 3) and the yard between them, are not claimed.

Red line: Application site

Blue line: Wider land ownership

1.2 The application is deliberately and strictly limited to the land, buildings and identified part of a building within the red line, referred to throughout this statement as “**the Application Site**”. It does not seek a certificate for any land, building, structure or yard area outside the Application Site.

1.3 Brooklyn Farm has a lengthy planning and enforcement history involving different parts of the wider holding. This statement is therefore intentionally structured to distinguish those separate matters from the Application Site, present the relevant chronology transparently and assist the Council in focusing its assessment on the land and buildings within the red line.

1.4 Brooklyn Farm historically operated as a dairy farm. A1, A2 and B1 formed part of that enterprise. The dairy operation later ceased. Agricultural activity on the holding continued. A1, A2 and B1 were not converted or repurposed.

1.5 A previous Class R application (DC/20/2600) related to a wider group of land and buildings, which included what is now the Application Site. It failed because the material then submitted could not demonstrate that the wider buildings and land were solely in agricultural use on or before 3 July 2012.

The refusal did not make any building specific determination that A1, A2 or B1 had undergone a material change of use. It concluded that the evidence then provided was insufficient to demonstrate sole agricultural use for the wider Class R site on the relevant date.

This application addresses the evidential issue by limiting the claim to the Application Site, whose lawful agricultural use has not been superseded by any material change of use.

1.6 The evidence is to be assessed on the balance of probabilities. The first-hand evidence of two long-standing directors, the physical condition and remaining contents of A1, A2 and B1, the absence of any identified intervening use of the Application Site, and the historic planning and enforcement records, taken together, establish that the lawful planning use of the Application Site is agricultural and has not been subject to a material change of use.

2. Scope of the Application

2.1 Precision is essential in an application under section 191. The application description and plans precisely identify the Application Site for which certification is sought.

2.2 The use for which certification is sought is:

Agricultural use of the land, identified buildings and part of a building within the red line at Brooklyn Farm, comprising the Traditional Sussex Barn (A1), the Attached Hovel (A2), and that part of the southern range comprising the western end silo bay and two grain silos (B1), including the storage of hay, agricultural equipment and grain.

2.3 References in the supporting evidence to other parts of Brooklyn Farm are included solely to provide context and demonstrate first-hand knowledge. They do not form part of, or broaden, the scope of this application.

In particular, the northern range, the remainder of the southern range and the yard between them are outside the Application Site.

3. Legal Framework

3.1 Section 191

Section 191 of the Town and Country Planning Act 1990 enables any person to apply for a determination as to whether an existing use of buildings or land is lawful. Under section 191(2), uses and operations are lawful where no enforcement action may be taken in respect of them and no enforcement notice is in force, or where planning permission is not required.

3.2 Nature of the Decision

The determination is a matter of fact and law. Planning merits are not relevant. Questions concerning the desirability of development, Green Belt or countryside policy, character, amenity or future reuse do not form part of the legal test.

3.3 Standard of Proof and Basis of Application

The applicant bears the responsibility of providing sufficient factual information. The applicable standard is the balance of probabilities. Planning Practice Guidance confirms that where the local planning authority has no evidence of its own, or from others, which contradicts or makes the applicant's account less probable, there is no good reason to refuse a certificate provided the applicant's evidence is sufficiently precise and unambiguous.

3.4 This application is made on the basis that the Application Site has an established lawful agricultural use which has not been subject to a material change of use. The application does not rely on an unauthorised use having acquired immunity through the passage of time.

4. Planning Background

The planning history is presented as a factual record only. Its relevance is limited to identifying what was previously applied for, what evidence was before the Council, and what was or wasn't determined.

Date	Reference	Matter	Relevance
1960	RS/43/60	Continuance of use for repair of vehicles; car park; part of bungalow as office. REFUSED	Relates to vehicle repair / bungalow / car park. No finding against A1, A2 or B1. Appendix E
1999	RS/49/99	Change of use of three agricultural buildings to B1(a)/(c). Council site note 9 August 1999: Barn 2 in hay storage and shored up; Building 3 "used for car repair – being investigated", west end open with brick piers and feed silos inside. Applicant's form: last use agriculture-related. REFUSED	The site note refers generally to Building 3 as "used for car repair being investigated", but separately identifies the western end as open with brick piers and feed silos. The current claim is confined to that physically identifiable western end silo bay (B1); the remainder of Building 3 is excluded. The feed silos recorded there in 1999 remain in situ.
2015	DC/15/1555	"Proposed change of use from agricultural land to long term airport parking for a temporary 5 year period" REFUSED	Current Application Site was excluded from this application
2016	DC/16/1240	"Proposed change of use of the existing site for long term airport parking site for a temporary 5-year period" REFUSED	Current Application Site was excluded from this application
2020/2021	DC/20/2600	"Class R prior approval. Change of use of existing outbuildings to commercial units" REFUSED	Included the Application Site together with a substantially wider group of buildings, yard and access areas. Refused for insufficient evidence

4.1 The 2021 refusal is an important part of the chronology but must be characterised accurately. It was a refusal for lack of evidence within the prior-approval process in respect of a wider set of buildings. It was not a determination that the Application Site had been converted or put to non-agricultural use.



Figure 2. Shows the extent of the Class R application site in 2020/2021

4.2 This application is materially different and provides a clear and specific distinction between the Application Site and the wider land and buildings included within DC/20/2600. It is supported by two detailed statutory declarations from directors with long-standing first-hand knowledge, a defined building schedule, current photographic evidence of physical condition and surviving contents.

4.3 The 2015 (DC/15/1555) and 2016 (DC/16/1240) applications (and subsequent refusals) were for a different purpose, related to off airport parking on different parts of the wider holding which expressly excluded the Application Site.

Officer's 2015 description of the wider site recognised that agricultural buildings remained among the complex of buildings.



Figure 3. Shows the extent of the 2015 application site.



Figure 4. Shows the extent of the 2016 application site.

4.4 The relevant documents obtained from the RS/49/99 file are reproduced at Appendix B. Two points are relevant to this application. First, the buildings were then described as vacant or disused agricultural buildings. That is consistent with a reduction in the intensity of agricultural use, not with a new use of A1, A2 or B1. Second, the only contemporaneous suggestion of vehicle repair is Building 3. Save for the B1 silo bay, that range is excluded. The feed silos recorded at the west end in 1999 remain in situ.

5. Enforcement History

The wider Brooklyn Farm holding has been the subject of enforcement enquiries over a number of years. Each matter is disclosed below. The purpose is to identify what the Council inspected, what structures or uses were under consideration and what action was taken. Outcomes in the table below are taken from Appendix E.

Date	Reference	Alleged Matter	Outcome	Relevance to Application Site
Feb 1962	E0021	Unauthorised repair, garaging and storage of motor vehicles	Notice issued; appeal dismissed; complied with 08.10.1965. Remains effective on the land	Application Site sits on land covered by the notice. The notice required return to agricultural use. The use claimed is consistent with that. Plan at Appendix D & Figure 5 below
2000 - 2002	E1226	Unauthorised use of site for car business	No formal action taken.	Other areas. No finding against the Application Site
2013	EN/13/0136	Motocross; buildings as vehicle breakers yard	No formal action taken	No building specific finding in the available material identifies A1, A2 or B1 individually as having been used for the alleged purpose.
2013	EN/13/0414	Off-airport car parking	No formal action taken	Same
July 2016	EN/16/0213	Storage and parking of motor vehicles; mess accommodation for off-airport parking	Stop Notice and Enforcement Notice issued; complied with and file closed 1.11.2016. Remains effective on the land. Appendix E: "this relates to the wider site as shown on the site plan that accompanies the Notice."	Application Site is outside that plan. Appendix D & Figure 6 below

5.1 No enforcement notice currently in force prohibits the agricultural use of the Application Site. The 1962 notice (E0021) required the land to be returned to agricultural use; the use claimed is consistent with that requirement.



Figure 5. Map accompanied with E0021. Shows the Application Site included to the North

5.2 The 2016 notice (EN/16/0213) does not include the Application Site within its red line.



Figure 6. Map accompanied with EN/16/0213. Shows the Application Site excluded.

5.3 Where enforcement files recorded non-agricultural activity, that activity related to other buildings or to open land. “No formal action taken” (Appendix E) means no enforcement notice was issued. It is not a finding that the Council inspected A1, A2 or B1 and cleared them. The only contemporaneous building-specific note of possible vehicle repair is the 1999 site note on Building 3. Save for the B1 silo bay, that range is outside the red line. There is no Council record that A1, A2 or B1 were converted.

6. Factual Chronology

The chronology below draws together the available evidence.

Period	Event or Use	Evidence
1970s	Imperial Buildings (Horley) Limited acquired Brooklyn Farm	Statutory declarations of Helyn Clack and Charles Yarwood (Appendices F and G)
1970s to 1990s	Operated as a dairy farm under tenant farmer Jack Warren. A1 used for hay storage; A2 for hay-making equipment; B1 (west-end silo bay of the southern range) for grain storage	Both declarations. Current physical evidence, including the two silos in B1
Mid 1980s (approx.)	A1 struck by a milk tanker and propped. Use remained agricultural	Both statutory declarations. Historic and current propping
1990s	Dairy operation ceased after the death of the tenant farmer. Agricultural management of the wider holding continued (hay; sheep grazing). A1, A2 and B1 were not converted	Both statutory declarations. Current physical evidence
Dec 1996 onwards	Charles Yarwood moved from Highcroft but remained involved and continued to visit. A1, A2 and B1 have remained substantially unchanged and have not been adapted for another use	Charles Yarwood declaration. Current photographs
Aug to Sep 1999	RS/49/99 refused. Council site note 9 August 1999: Barn 2 in hay storage and shored up; Building 3 “used for car repair – being investigated”, west end open with brick piers and feed silos inside	Appendix B
1990s onwards	Non-agricultural activities occurred elsewhere on the holding. They did not extend into the Application Site. Land edged red is the immediate setting of A1, A2 and B1 only. It does not include the yard between the northern range (the pole barn) and the southern range (1999 Building 3)	Declarations; Appendices B, C, D and E; aerial photographs where used

Approximate dates are identified as such.

The central facts are the agricultural function of A1, A2 and B1 and the absence of a material change of use of the land edged red.

7. Statutory Declarations

7.1 Helyn Clack

Helyn Clack is a Director of Imperial Buildings (Horley) Limited and has known Brooklyn Farm throughout the company's ownership from the 1970s. Her declaration identifies the former tenant farmer, the dairy enterprise, and the agricultural function of the Application Site. She recalls the Sussex Barn being used for hay, the Hovel for hay-making equipment, and the two grain silos (B1) as part of the agricultural operation. She states that A1, A2 and B1 were not put to an alternative use and that they remain substantially unchanged and have not been adapted for an alternative use. (Appendix F)

7.2 Charles Yarwood

Charles Yarwood is also a Director of Imperial Buildings (Horley) Limited. He lived at the adjoining Highcroft before moving to Charlwood in December 1996 and has remained involved with the ownership of Brooklyn Farm and continued to visit the property. His evidence separately recalls the same core agricultural functions of the Application Site, and confirms that the buildings remained substantially unchanged and were not adapted for any alternative use. (Appendix G)

7.3 Combined Weight

The declarations were separately made and are mutually supportive. Their value lies in the consistency of the central facts alongside the individual detail of each witness. The evidence does not depend upon the witnesses recalling every precise date. Approximate dates are identified honestly as approximate. The central evidence about the identity, use and absence of intervening use of the Application Site remains clear and unambiguous.

8. Continuity of Agricultural Use

The former dairy operation at Brooklyn Farm ceased following the death of the tenant farmer during the 1990s. Agricultural activity across the wider holding did not, however, cease. The agricultural land continued to be managed for purposes including hay production and sheep grazing, with hay production in the rear fields, continuing to the present day.

The land edged red is the immediate setting of A1, A2 and B1. It does not include the yard between the northern range (the pole barn) and the southern range (1999 Building 3), or the remainder of those buildings.

A1, A2 and B1 formed part of the established agricultural holding: hay storage, hay-making equipment and grain storage. The evidence does not assign precise dates to changing levels of use of each. It establishes that, after the reduction in active use, they were not converted, adapted or repurposed for a materially different use.

The physical condition of the Application Site is consistent with that history. A1 retains remnants of historic hay and the propping from the milk-tanker damage. A2 retains remnants of hay and agricultural equipment. B1 still contains the two grain silos, which occupy the bay and have not been adapted for another purpose.

The declarations distinguish those later activities from the Application Site. Sections 4 and 5 similarly identify no material change of use of the land edged red.

Taken as a whole, the evidence demonstrates a reduction in the intensity of agricultural activity rather than a material change in the planning use of the Application Site. The Application Site remains in its agricultural form and there is no identified intervening material change of use.

9. Building-by-Building Assessment

9.1 Traditional Sussex Barn (A1)

The Sussex Barn formed part of the dairy farm and was principally used for hay storage. Both witnesses recall this use. The milk tanker collision in the mid 1980s caused physical damage and the barn was subsequently propped. The incident did not change the use of the barn. Current photographs show the continued propping, remaining hay, internal form and absence of adaptation. There is no evidence of any intervening non-agricultural use of this building. Photographs at Appendix A.

9.2 Attached Hovel (A2)

The Hovel was used for the storage of hay and agricultural equipment associated with hay-making. It remains physically attached to the Sussex Barn and retains remnants of equipment which have deteriorated naturally over time. There is no evidence that it was fitted out or used for a materially different purpose. Photographs at Appendix A.

9.3 Western End Silo Bay (B1)

B1 is that part of the southern range (1999 Building 3) comprising the western end silo bay. It is a distinct higher bay and corrugated canopy, separated from the remainder of that building by brick walls and piers. Two large fixed cylindrical grain silos occupy the bay. Vehicles cannot enter it without removal of the silos.

The Council's site note of 9 August 1999 already recorded the west end as open, with brick piers and feed silos inside (Appendix B). Those silos remain. The remainder of Building 3 is not claimed.

Current photographs at Appendix A show the silos in situ, the brick stop, and the absence of adaptation for another use.

9.4 What is not claimed

The west end of the northern range (the pole barn) contains a fixed galvanised grain store from the dairy period. It sits in a continuous open-sided building with no dividing wall. For that reason, the northern range, including that store, is not included in the Application Site.

Also outside the red line are the remainder of the southern range (1999 Building 3) and the yard between the northern and southern ranges. Historic vehicle activity associated with those buildings and that yard is not part of this application.

10. Site Inspection and Further Information

10.1 The applicant invites the case officer to inspect the site. A visit would enable the officer to identify A1, A2 and B1 against the submitted plans, inspect their internal and external condition, observe the surviving agricultural contents, and understand their physical and functional separation from the other buildings on the holding.

10.2 The applicant or agent would be pleased to attend and open each building. The inspection can also be used to distinguish clearly between the subject buildings and any other structures that form part of separate planning or enforcement matters.

10.3 If the Council obtains or intends to rely upon evidence which appears to contradict the application, the applicant requests that it is shared before determination so that any factual ambiguity can be addressed. This is consistent with Planning Practice Guidance.

10.4 If the officer considers that a narrower or refined certificate description is justified by the evidence, the applicant invites discussion of that wording before a decision is issued.

11. Conclusion

11.1 The Application Site forms part of the established agricultural unit at Brooklyn Farm. A1 was used for hay storage, A2 for agricultural equipment associated with haymaking, and B1 for grain storage.

11.2 The reduction of the former dairy enterprise did not convert A1, A2 or B1 or put them to a materially different use. They retained their agricultural form and contents.

11.3 The 2021 Class R application related to a wider group of land and buildings and was based upon the limited evidence then provided. It did not establish a non-agricultural use of the Application Site. This application responds directly to that evidential shortcoming by limiting the claim to the Application Site and providing two statutory declarations, a detailed chronology, building-specific evidence and a clear physical distinction from the buildings that were the subject of DC/20/2600.

11.4 On the balance of probabilities, the evidence is sufficiently precise and unambiguous to establish that the lawful planning use of the Application Site is agricultural. No material change of use has occurred.

11.5 The applicant therefore respectfully requests that Horsham District Council grants a Certificate of Lawfulness of Existing Use or Development in the terms sought, or in such refined terms as the Council considers are supported by the evidence following discussion with the applicant.

Appendix Schedule

Appendix	Document
A	Site Photographic Schedule.pdf
B	RS/49/99 Historic Planning Records.pdf
C	Class R application DC/20/2600.pdf
D	Enforcement Records and Plans.pdf
E	HDC enforcement and history note email.pdf
F	Statutory Declaration of Helyn Clack
G	Statutory Declaration of Charles Yarwood