



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0712
Nyetimber Farm, Gay Street, Pulborough, West Sussex, RH20 2HH

DESCRIPTION:

Application to confirm the continuous use of part of a building for commercial office purposes for a period in excess of ten years. (Lawful Development Certificate - Existing).

RELEVANT PLANNING HISTORY:

DC/07/0333 Continued use of part of barn to form office Application Permitted on 11.09.2007

SITE LOCATION & APPLICATION DESCRIPTION

Nyetimber Farm is located beyond the defined built-up area boundary of West Chiltington, within a countryside location. The application site itself comprises a single storey building which is currently being used as an office space, as per this application. It has not been possible to locate the original permission for this single storey element and is therefore assumed that planning permission was not sought. This section of the building is attached to two larger barns, one in an agricultural use and the other an indoor sand school. The site is not within a conservation area and there are no Article 4 Directions or Enforcement notices applicable to the site.

PLANNING ASSESSMENT

The application seeks a Certificate of Lawful Development to confirm the continuous use of part of a building for commercial office purposes for a period in excess of 10 years, therefore confirming the development has become immune from enforcement action and planning permission is not therefore required.

Article (2) of Section 191 of the Town and Country Planning Act 1990 states:

“For the purposes of this Act uses and operations are lawful at any time if –

- (a) 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*
- (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.”*

The land and matters subject of this application are not subject of an extant enforcement notice, as such, there would be no automatic exemption from the grant of a certificate of lawfulness by virtue of the provisions of S.191(2)(b) TCPA 1990.

Applicant's Evidence

The applicant details within their Planning Statement that the building subject of this application, has been used as a commercial office, without any intervening uses, for a period of more than 10 years and as such, is therefore immune from enforcement action. In support of this account, a number of pieces of evidence has been submitted, summarised below. The statement provides a chronological account as follows:

1. September 2006: Ruth and Tom Simmonds purchase Nyetimber Farm.
2. 2006 – 2007: A small section of the single storey side addition to the barn is converted into an office for farm related and home office use, without the benefit of planning permission. This was regularised under planning permission DC/07/0333.
3. 2008: The Applicants established Allsaved Ltd, which began operating from the office as its headquarters and business premises.
4. April 2014: The commercial office was renovated and extended by Chadwick Homes Ltd, now occupying the entire single-storey element of the building.
5. May 2014: The extension and renovation works were completed, with Allsaved Ltd now occupying the entire building as a commercial office.
6. April 2021: Allsaved Ltd relocated its head office to Unit 3 Trade Park, Stane Street, Billingshurst.
7. May 2021: Following refurbishment works, the office was let to Gozone Ltd under a tenancy agreement.
8. May 2021: Informed Risk Ltd also entered into a tenancy agreement and rented part of the office space and continues to do so till present day.
9. November 2025: Gozone Ltd was acquired by ADSL Ltd, which continues to occupy the office to present day.

Supporting Evidence -

- Appendix A - Location Plan
- Appendix B - Photos of application site, undated
- Appendix C - Invoice for Works from Chadwick Homes
This invoice from Chadwick Homes covers the following works – decoration of TS Office, Front Office, refurbishment of the kitchen. Whilst the invoice is addressed to Allsaved Limited and dated 7 May 2014, showing the full amount was paid, the address given is the company's current address and not that of the application building subject of this application.
- Appendix D - Gozone Ltd Tenancy Agreement
This Tenancy Agreement, between Nyetimber Projects and Gozone Ltd, is dated 18th May 2021. This document covers the terms and details of the agreement, with the bank details in the name of Nyetimber Projects. The agreement is signed by Tom Simmonds and Zane Sturt of Gozone Care Ltd, dated 18/05/2021.
- Appendix E - ADSL Ltd Tenancy Agreement
This Tenancy Agreement, between Nyetimber Projects and ADSL Ltd, is dated as commencing on 17/11/2025. This document covers the terms and details of the agreement, with the bank details in the name of Nyetimber Projects. The agreement is signed by Tom Simmonds and Bilah Ahmed and Mohammed Ali of ADSL Ltd, dated 14/11/2021. A floor layout plan of the building is also included, which states that part of the office building, shaded in green, is leased by Informed Risk Ltd
- Appendix F – Informed Risk Ltd Tenancy Agreement
This Tenancy Agreement, between Nyetimber Projects and Informed Risk Services Ltd, is dated as commencing on 01/05/2021. This document covers the terms and details of the agreement, with the bank details in the name of Nyetimber Projects. The agreement is signed by Tom Simmonds and Christopher Metters of Informed Risk Services Ltd, dated 01/05/2021. A floor layout plan of the building is also included, confirming which section of the building the company will occupy, collaborating with the tenancy agreement of ADSL.

- Appendix G – Statutory Declaration – Mr Tom Simmonds

Tom Simmonds is the owner of the wider holding of Nyetimber Farm, along with his wife Mrs Ruth Simmonds. Tom goes on to state that they originally converted a small section of the single storey side addition attached to the large barn into a small office area, which was used as a home office and regularised under DC/07/0333. Following the formation of Allsaved Ltd, the company occupied the premises as their headquarters. In April 2014, they hired Chadwick Homes to undertake the forementioned work to the building, extending the offices and Allsaved occupied the building until moving to their current premises in April 2021. Given the office building was vacate, Gozone Ltd occupied the building until their acquisition by ADSL Ltd in November 2025, who continue to rent and occupy the offices to present day. In addition to this Informed Risk Ltd has rented and used part of the building since May 2021. The statement concludes by stating that the commercial office at Nyetimber Farm, as outlined in red on the accompanying plan, has been in a continuous use as a commercial office in its current form since 2014, to present day, with no other uses/purpose.

Signed and declared 01/04/2026
- Appendix H – Statutory Declaration – Mrs Ruth Simmonds

Ruth Simmonds is the owner of the wider holding of Nyetimber Farm, along with her husband Tom Simmonds. The statement matches that of Tom Simmonds, with no new evidence produced.

Signed and declared 01/04/2026
- Appendix I – Statutory Declaration – Mr Harry Woodage

Harry Woodage is the current Managing Director of Allsaved Ltd, having worked for the company since April 2010. They confirm that the company was originally based within the small office area of the building, approved under DC/07/0333. They confirm that they witnessed the extension and alterations of the subject building, that were undertaken by Chadwick Homes Ltd and following the completion of these works, the company moved into the newly extended office space and occupied the whole building. Woodage confirms that Allsaved Ltd vacated the premises in April 2021, to their current address in Billingshurst. Woodage concludes by stating that the commercial office at Nyetimber Farm, as outlined in red on the accompanying plan, has been in a continuous use as a commercial office in its current form since 2014, to present day, with no other uses/purpose.

Signed and declared 02/04/2026
- Appendix J – Statutory Declaration – Mr Christopher Metters

Christopher Metters is the owner and director of Informed Risk Ltd, who confirms the company have occupied and used the commercial office on the site at Nyetimber Farm, as outlined in red on an accompanying plan continuously from May 2021 up to the present day. They confirm the commercial office has not been used for any other purpose / use during the time of my tenancy.

Signed and declared 16/02/2026

Council's Evidence

- HDC Democratic Services and Elections Consultation Response

Confirms details of those registered at the property since 2014
- HDC Benefits and Revenues Consultation Response

Comments received
- HDC Planning Compliance Response

Comments received
- Planning Contravention Notice, received as part of EN/25/0330

- West Chiltington Parish Council Consultation Response
Comments: Neutral response, leave to HDC for determination
- Google Earth Images dated from December 2001 to June 2025
Images show the single storey extension present within the December 2001 image, with the footprint and roof form appearing unchanged to present day.
- Site's Planning History

Section 191(4) of the Town and Country Planning Act 1990 states 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".

The applicant details within their Planning Statement that the building subject of this application, has been used as a commercial office, without any other uses, for a period of more than 10 years and as such, is therefore immune from enforcement action.

Planning permission DC/07/0737 was granted in September 2007 for the continued use of part of the barn as an office. As part of that permission, Condition 1 was imposed, which states:

- 1 *The office hereby permitted shall be used solely for the personal and business activities of Mr and Mrs Simmonds only and for no other purpose (including any other purpose in any class of the schedule to the Town and Country Planning (Use Classes) Order 1987).*

Reason: To enable the Local Planning Authority to control the use of the site and because other uses would be contrary to policies EDC1 of the Horsham District Local Plan 1997 and DC11 of the Horsham District Local Development Framework General Development Control Policies Submission Document 2006.

The evidence submitted demonstrates that the building has been in a continuous office use since at least 2014. The statutory declarations confirm that the office accommodation was enlarged in 2014 through the change of use of the remaining part of the building, previously unconverted. The evidence indicates that the enlarged office unit continued to be occupied in accordance with the office use previously authorised under planning permission DC/07/0737, where the operation continued to be associated with the business activities of Mr and Mrs Simmonds. As such, while the business operation intensified, the evidence does not direct that this amounted to a material change of use or result in the creation of a separate planning unit. Rather, the office accommodation continued to operate as part of the mixed-use planning unit comprising the main dwelling, office accommodation and wider holding at Nyetimber Farm approved under DC/07/0737.

The restriction imposed by Condition 1 limited the office use to the personal and business activities of Mr and Mrs Simmonds only and for no other purpose. As such, the office accommodation remained functionally associated with the applicant and formed part of a single planning unit. The evidence confirms that, until April 2021, the office accommodation was occupied by Allsaved Ltd, a business owned and operated by the Applicants and therefore continued to function in connection with the terms of planning permission DC/07/0737, and forming part of the single mixed-use planning unit.

The evidence further demonstrates that from May 2021 the office accommodation was rented to companies independent of the applicants, Gozone Ltd, Informed Risk Ltd and ASDI Ltd. The evidence therefore demonstrates that, from 2021, the office accommodation was occupied independently from the Mr and Mrs Simmonds and this resulted in the creation of a new separate planning unit.

Whilst the evidence demonstrates that the building has been used continuously as commercial office accommodation, the evidence also demonstrates that such use was carried out in accordance with the requirements of Condition 1 for a prolonged period of time. To this effect, the office accommodation remained part of the mixed use, single planning unit approved by DC/07/0737. It was only in 2021, at the point in which the office unit was leased to a business not owned by Mr and Mrs Simmonds, that a new planning unit was created. Furthermore, it was at this time that the site began operating in breach of the relevant planning condition. The evidence does not therefore demonstrate that the office accommodation has operated independently, as its own single planning unit, for a period in excess of ten years.

In conclusion, the Council is not satisfied, on the balance of probabilities, that the claimed independent commercial planning unit has existed continuously for a period of at least ten years. The Lawful Development Certificate is therefore recommended for refusal.

Recommendation: Application Refused

Reason(s) for Refusal:

1. It has not been demonstrated, on the balance of probabilities, that the commercial office unit has operated independently and in breach of condition 1 of DC/07/0737 for a period of at least ten years from the date of the application. The evidence indicates that the office accommodation remained part of the planning unit authorised under planning permission DC/07/0737 until 2021, and therefore the claimed use has not become lawful by virtue of time.

Plans list for: DC/26/0712

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents not approved:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Statutory Declaration - Mr Tom Simmonds	NONE	30.04.2026
Supporting Statement	Statutory Declaration - Mrs Ruth Simmonds	NONE	30.04.2026
Supporting Statement	Statutory Declaration - Mr Harry Woodage	NONE	30.04.2026
Supporting Statement	Statutory Declaration - Mr Christopher Metters	NONE	30.04.2026
Supporting Statement	Planning Statement	P-083	30.04.2026
Location plan	Location Plan	NONE	30.04.2026
Photos	Photos of application site	NONE	30.04.2026
Supporting Statement	Gozone Ltd Tenancy Agreement	NONE	30.04.2026
Supporting Statement	ADSL Ltd Tenancy Agreement	NONE	30.04.2026
Supporting Statement	Informed Risk Ltd Tenancy Agreement	NONE	30.04.2026

DELEGATED

Case Officer sign/initial Sam Nye Date: 23/06/2026

Authorising Officer sign/initial Tamara Dale Date: 25/06/2026