Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0791
Morley Manor, Brighton Road, Shermanbury, West Sussex, RH13 8HQ

DESCRIPTION:
Application to confirm the completion of works for a number of structures erected within the immediate vicinity of Morley Manor, the introduction of doors to an open archway within the stable and garaging area to the north, and a turning head to an access track (Lawful Development Certificate Existing).

RELEVANT PLANNING HISTORY:

DC/18/0452	Retrospective application for the change of use of former open land to domestic residential land in connection with Morley Manor and retention of a tennis court and associated fencing	Application Permitted on 01.06.2018
DC/18/0562	Demolition of existing glass house and erection of replacement glass house (Householder)	Application Permitted on 23.04.2018
DC/18/0563	Demolition of existing glass house and erection of replacement glass house (Listed Building Consent)	Application Permitted on 23.04.2018
DC/18/0564	Refurbishment of timber summerhouse and repair of existing turntable mechanism (Householder)	Application Permitted on 27.04.2018
DC/18/1402	Creation of a new paddock access track leading from existing access onto Brighton Road	Application Permitted on 08.11.2018

Planning Compliance History –

EN/23/0533	Construction of swimming pool within grounds of listed building	Closed upon receipt of DC/25/0791
EN/23/0534	Erection of detached building south of main house	Closed upon receipt of DC/25/0791
EN/23/0535	Erection of infill extension to stable block	Closed upon receipt of DC/25/0791

SITE LOCATION & APPLICATION DESCRIPTION

The application site consists of a two-storey detached Grade II Listed Building positioned within substantial grounds, known as Morley Manor. The site is positioned to the west of Brighton Road, outside of the designated built-up area. The property sits within landscaped grounds and is surrounded by open countryside, with a mix of hedging and fencing separating the site from the wider surroundings. The site is not within a conservation area, and there are no Article 4 Directions covering the site.

PLANNING ASSESSMENT

The application relates to a Lawful Development Certificate (Existing) to confirm the completion of works for a number of structures erected within the immediate vicinity of Morley Manor, the introduction of doors to an open archway within the stable and garaging area to the north, and a turning head to an access track.

Relevant Legislation and Guidance

Section 191(2) of the Town and Country Planning Act 1990 (TCPA) provides that *'for the purposes of this Act uses and operations are lawful at any time if-*

a) no enforcement action may 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 subject of this application is not subject to 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.

S.171B of the TCPA states:

'*(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of –*

a) in the case of a breach of planning control in England, ten years beginning with the date on which the operations were substantially completed

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of –

(a) in the case of a breach in planning control in England, ten years beginning with the date of the breach

(2A) There is no restriction on when enforcement action may be taken in relation to a breach of planning control in respect of relevant demolition (within the meaning of section 196D).

(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.

(4) The preceding subsections do not prevent—

(a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or

(b) taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach.'

S.191(4) of the TCPA states:

'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, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.'

The Planning Practice Guidance (PPG) on Lawful Development Certificates explains that the applicant is responsible for providing sufficient information to support an application. This paragraph, furthermore, explains that, in the case of applications for an existing use, if the authority holds no evidence itself, nor form any 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 a balance of probability.

Case law, furthermore, confirms that in the determination of an application for a certificate of lawfulness, the applicant's own evidence does not need to be corroborated by independent evidence in order to be accepted. If the authority holds no evidence itself, or from others, to contradict or call into question the probability of the applicant's version of events there is no good reason to refuse an application.

The Test

TCPA 1990 S.191(1) provides that if any person wishes to ascertain whether:

- Any existing use of buildings or other land is lawful;
- Any operations which have been carried out in, over or under land are lawful; or
- *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 apply to the local planning authority specifying the land and describing the use, operations or other matter.

If on such an application, the local planning authority is satisfied with the lawfulness of the use, operations, or other matters described in the application, or that description as modified or substituted by them, it shall issue a certificate or refuse the application.

The Act provides that in respect of a failure to comply with any condition or limitation subject to which planning permission has been granted, any matter constituting such a failure is lawful at any time if:

- The time for taking enforcement action in respect of the failure has expired; and
- It does not constitute a contravention of any of the requirements of any enforcement notice or breach of condition notice then in force

<u>The Applicant's Evidence</u>

- Cover Letter
- Location and Block Plan: 1891/25/P/01
- Photographic Evidence

<u>The Council's Evidence</u>

- Aerial Photography from the site, dated 2015, 2018, 2020, 2022 and 2025.
- Consultation response: Council's Planning Compliance Team.
- Consultation response: Council's Senior Conservation Officer.
  No Objection – The new structures and alterations are not contentious in terms of the impact to the setting of the listed building and had planning permission been sought, no objection would have been raised.
- Consultation response: Shermanbury Parish Council
  Shermanbury Parish Council has confirmed it has no objection to this application.
- Consultation response: Horsham District Council - Revenues Department
- Consultation response: Horsham District Council - Democratic Services
- 2x Lawful Development Questionnaires
- Sales particulars for the property, dated May 2025.

Assessment of Evidence

<u>Construction of Swimming Pool</u>

The following aerial photographs are available relating to the swimming pool –

- August 2020 – The swimming pool basin is present
- December 2020 – The swimming pool is not visible but appears to be covered by a structure
- March 2023 – The swimming pool is visible and appears to be complete
- May 2025 - The swimming pool is visible and follows the same footprint as the previous images.

Photos supplied by the applicant (document 1891/25/P/02) show the swimming pool under construction, dated 10th June 2020 and 11th June 2020. Further photos dated 4th April 2021, show the swimming pool basin complete and partially filled with water, which the applicant stated was to allow water testing. In this photo, the swimming pool appears to have a metal-framed cover enclosing the pool, and this appears to be the structure shown within the December 2020 aerial photograph. Photos dated 17th May 2021, 30th May 2021 and May 2025, show the pool substantially complete and a reflection of what is present to this day.

Refurbishment of existing building to create Pool House

The submitted documents state the pool house was a refurbishment project which upgraded a building already present. No further details are provided about when the original building was constructed, and the building is first visible in aerial photographs in April 2020. Further images, most notably March 2022, show a building present following the same footprint and in the same location.

The applicant has supplied photos (document 1891/25/P/04), appearing to show a building undergoing refurbishment works on the 19th January 2020. A further photo, dated April 2020, appears to show the works complete, with the building having been reclad, replacement doors and windows installed and surrounding steps and walls completed. This photo shows a reflection of what is present to this day.

Structures over the Hot Tub, BBQ Area and Bar.

Bar Structure

The Cover Letter details that the bar structure was erected in October 2018, with photos supplied by the applicant (document 1891/25/P/05) showing the structure with the timber-framed structure and brick walls present on the 17th October 2018. Whilst no information is provided about when the roof tiles were installed, the structure appears to be the same as it is in May 2025.

Aerial Photographs confirm the following:
The brick walls appear to be under construction in September 2015, with no change in the images dated August 2018. The timber-framed roof appears in the images dated October 2018, and the subsequent dated images show the structure present – April 2020, August 2020, December 2020, March 2022 and May 2025.

BBQ Structure

The Cover Letter details that the BBQ structure was erected in October 2018, with photos supplied by the applicant (document 1891/25/P/05) showing the timber-framed structure present on the 17th October 2018 and appearing to be substantially complete. The structure appears to be the same as it was in May 2025.

Aerial Photographs confirm the following:
The brick walls appear to be under construction in September 2015, with no change in the images dated August 2018. The timber-framed roof appears in the images dated October 2018, and the subsequent dated images show the structure present – April 2020, August 2020, December 2020, March 2022 and May 2025.

Hot Tub Structure

The Cover Letter details that the Hot Tub enclosure was erected in November 2018, with photos supplied by the applicant (document 1891/25/P/05), showing the structure under construction on the 8th November 2018.

Whilst no details are provided about when the structure was substantially completed, aerial images show the hot tub being present in October 2018, with the enclosing structure present in April 2020. The structure appears unchanged in subsequent photos - August 2020, December 2020, March 2022 and May 2025.

Building adjacent to the lake

The Cover Letter details that this structure was erected during 2019 and was completed in July 2019, with photos supplied by the applicant (document 1891/25/P/05), showing the structure present on the 8th July 2019.

Aerial photographs show the structure and jetty present in April 2020 and appear unchanged in the subsequent photos, dated August 2020, December 2020, March 2022 and May 2025.

Mower shed adjacent to the Southern Access Track

The Cover Letter details that the outbuilding housing the lawnmower was substantially completed in May 2019, having been erected in the location of a previous outbuilding. The supporting document (1891/25/P/06), provides dated photos on the 17th May 2019, showing this building under construction, but no photos have been supplied to show the building having been completed in May. Regardless of this, an aerial image dated August 2018 shows the previous outbuilding having been removed, and a subsequent photo dated April 2020 shows the outbuilding has been completed, and the preceding photos show that the outbuilding appears unchanged.

Turning circle to southern access track, north of Mower Shed

The Cover Letter also details that the turning circle, located to the north of the mower shed, was substantially completed whilst the mower shed was under construction, in May 2019. The supporting document (1891/25/P/06) provides photos, dated 15th May 2019, showing this turning head. Aerial images confirm this account, with the turning head appearing in the August 2020 images and appearing unchanged in the subsequent images, dated August 2020, December 2020, March 2022 and May 2025.

Infill doors to the Stabling and garaging area

The cover letter details that the work to install infill doors to the archways in the stabling and garaging areas, was substantially completed in 2018, with the doors on the northern elevation completed in April 2018 and the doors on the southern elevation completed in October 2018. The supporting document (1891/25/P/06) provides photos, dated 20th April 2018, showing the work completed on the northern elevation. Further photos, dated 29th October 2018, show the work completed to the southern elevation. Aerial images in this instance do not assist; however, the current sales particulars dated May 2025 show the doors are unchanged since the work was completed.

Recommendation: Application Permitted

Reasons for Approval:

1 It has been demonstrated on the balance of probability that the swimming pool, as represented with a blue circle, was constructed and substantially completed within a period in excess of 4 years from the submission of this certificate.

2 It has been demonstrated on the balance of probability that the refurbishment of the pool house, as represented with a green rectangle, was constructed and substantially completed within a period in excess of 4 years from the submission of this certificate.

3 It has been demonstrated on the balance of probability that the bar structure, as represented with a blue square, was constructed and substantially completed within a period in excess of 4 years from the submission of this certificate.

4 It has been demonstrated on the balance of probability that the BBQ structure, as represented with a red square, was constructed and substantially completed within a period in excess of 4 years from the submission of this certificate.

5 It has been demonstrated on the balance of probability that the hot tub structure, as represented with a pink square, was constructed and substantially completed within a period in excess of 4 years from the submission of this certificate.

6 It has been demonstrated on the balance of probability that the building adjacent to the lake, as represented with a green hexagon, was constructed and substantially completed within a period in excess of 4 years from the submission of this certificate.

7 It has been demonstrated on the balance of probability that the mower shed, as represented with a yellow rectangle, was constructed and substantially completed within a period in excess of 4 years from the submission of this certificate.

8 It has been demonstrated on the balance of probability that the turning head, as represented with purple shading, was constructed and substantially completed within a period in excess of 4 years from the submission of this certificate.

9 It has been demonstrated on the balance of probability that the introduction of doors to the open archway within the stable and garaging area, as represented with a red circle, was constructed and substantially completed within a period in excess of 4 years from the submission of this certificate.

POSITIVE AND PROACTIVE STATEMENT

Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, in order to be able to, where possible, grant permission.

Plans list for: DC/25/0791

Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location & Block plan	Location and Block Plan	1891/25/P/01	12.05.2025
Elevation & Floor plan	Plan and Elevations - Pool Building	1891/25/P/02	12.05.2025
Photos	Construction of Swimming pool	1891/25/P/03	12.05.2025
Photos	Pool House Refurbishment	1891/25/P/04	12.05.2025

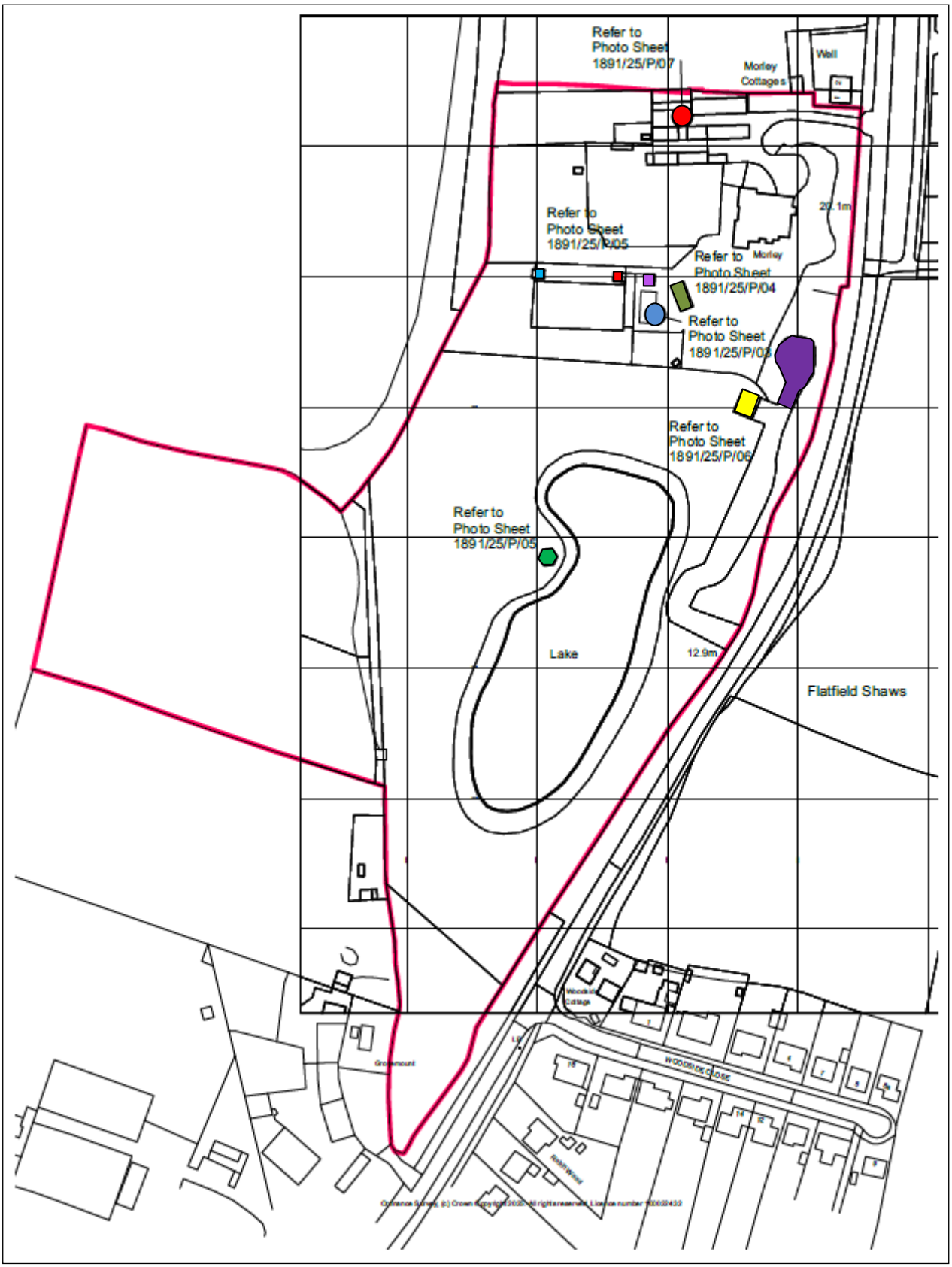
Photos	Hot Tub, Pool Bar and Lake Structures	1891/25/P/05	12.05.2025
Photos	Mower shed and turning head	1891/25/P/06	12.05.2025
Photos	Stable Doors within Stable Yard	1891/25/P/07	12.05.2025
Supporting Docs	Cover letter	1891/25	12.05.2025

DELEGATED

Case Officer sign/initial Sam Nye Date: 07/07/2025

Authorising Officer sign/initial RHERMITAGE Date: 11.07.2025

PLAN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1891/25/P/05
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Woodside
Cottage
Greenmount
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