



## **DELEGATED APPLICATIONS - ASSESSMENT SHEET**

### **APPLICATION NO./ADDRESS:**

DC/26/1087

Firhaven, Rock Road, Storrington, West Sussex, RH20 3AF

### **DESCRIPTION:**

Application to confirm the use of the property known as Firhaven Barn as an independent dwelling (Lawful Development Certificate - Existing).

### **RELEVANT PLANNING HISTORY:**

|            |                                                   |             |           |    |
|------------|---------------------------------------------------|-------------|-----------|----|
| DC/15/1018 | Erection of detached garage with games room over. | Application | Permitted | on |
|            | Installation of clear glazed rooflights to side   | 09.07.2015  |           |    |
|            | roofslopes                                        |             |           |    |

### **PLANNING ASSESSMENT**

The application seeks a Certificate of Lawful Development (Existing) to confirm the use of the building known as Firhaven Barn as an independent dwellinghouse since 1<sup>st</sup> March 2020.

### **The evidence submitted:**

- *Site location plan*
- *Supporting statement*
- *Statutory Declaration – Mr R Carter dated 02.07.2026*  
Owner and occupier of Firhaven, Rock Road, RH20 3AF. Since 1<sup>st</sup> March 2020, the property known as Firhaven Barn has been occupied and rented out as a private independent dwelling by the following: M Carter (01.03.2020 – 23.07.2021), J and R Huls (25.07.2021 – 28.02.2023) and B Milner (01.03.2023 – present). Between 23<sup>rd</sup> July 2021 to 25<sup>th</sup> July 2021 the property was temporarily vacated whilst redecoration and minor repairs were undertaken. Property contains necessary facilities for independent occupation and since 1<sup>st</sup> March 2020, the property has been used continuously as a self-contained dwellinghouse and for no other purposes.
- *Statutory Declaration – Ms J Taylor dated 06.07.2026*  
Gardner for the owner of Firhaven, Mr R Carter since early 2019 to the date of the statutory declaration, attending the grounds regularly during this period. Observed the property being occupied as a separate dwelling by tenants since March 2020, with this occupation continuing without material interruption. Confirm that the occupiers have had exclusive possession of the property through their occupation and have lived independently from occupiers of main dwelling.
- *Statutory Declaration – Mr M Carter dated 02.07.2026*  
Resided continuously at Firhaven Barn between 1<sup>st</sup> March 2020 and 23<sup>rd</sup> July 2021 as sole and principal residence before relocating. Property contained all facilities necessary for independent occupation. Paid £250 monthly towards the running costs of the property.
- *Statutory Declaration – Mrs Huls dated 03.07.2026*  
Resided at Firhaven Barn continuously between 25<sup>th</sup> July 2021 to 28<sup>th</sup> February 2023 with husband, Mr Huls, as sole and principal residence. During occupation, were not reliant on the

main dwellinghouse for any essential domestic facilities. Paid £300 monthly towards the running costs of the property.

- *Statutory Declaration – Mr Huls dated 03.07.2026*  
Resided at Firhaven Barn continuously between 25<sup>th</sup> July 2021 to 28<sup>th</sup> February 2023 with wife, Mrs Huls, as sole and principal residence. During occupation, were not reliant on the main dwellinghouse for any essential domestic facilities. Paid £300 monthly towards the running costs of the property.
- *Statutory Declaration – Ms B Milner dated 06.07.2026*  
Commenced occupation on 1<sup>st</sup> March 2023, used as sole and principal residence through that period. Property contains all facilities necessary for independent residential occupation. Since occupation on 1<sup>st</sup> March 2023, the property has been occupied pursuant to a written tenancy agreement with the landlord, Mr R Carter, who rent is paid directly to on a monthly basis.
- *Rental Agreement for Ms B Milner dated from 01.03.2023 – 31.08.2023*

Council's evidence:

- *HDC Electoral Roll*  
Confirmation that the following individuals have been registered to vote at Firhaven, Rock Road: Mr Matthew Carter (since 2021), Ms Maureen Carter (since 2014), Mr Richard Carter (since 2014) and Ms Belinda Milner (since 2024).
- *HDC Revenues*  
Confirmation that the property has been registered for Council tax since April 2003. It has been occupied by Mr Richard Carter since November 2014, prior to that it was owned by Mr G R Rodgers.
- *Planning Application DC/15/1018 dated 08.07.2015*  
Granted permission for the erection of a detached garage with games room over. Installation of clear glazed roof to side roof slopes.

The application contends that the evidence submitted shows that the subject building has been in use as an independent dwelling, for a period in excess of four years, since 1<sup>st</sup> March 2020.

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

In 2015, the Applicant applied for planning permission (ref: DC/15/1018) for the erection of a detached garage, with games room over and the installation of clear glazed rooflights to the side slopes. This was approved in July 2015. The garage is located in the grounds of Firhaven, the main dwellinghouse. No planning condition was attached to the permission regarding the restriction of the use of the building to restrict residential use.

The submitted planning statement confirms that the associated internal works, including the installation of a kitchen and bathroom at first-floor level, were completed by 5<sup>th</sup> March 2018. All works associated with the siting and use were completed prior to 24<sup>th</sup> April 2024. The property contains all facilities

required for independent occupation, including a kitchen, bathroom, living area and sleeping accommodation, with a private entrance and physical separation from the principal dwelling on site. This is evidenced by photographs taken in February 2019. The statement contends that since 1<sup>st</sup> March 2020, the property has been occupied continuously as an independent, self-contained dwellinghouse and not for any other purposes. The property has been occupied by successive tenants as their sole or principal residence.

The statutory declarations provided by each of the tenants and the owner, contend that the building has been used as a self-contained dwelling since March 2020. As above, the building was granted permission as a garage and games room in 2015, with works completed in 2018. A kitchen and bathroom were installed in 2018 and in March 2020 was rented out as a private independent dwelling to Mr Carter, then to Mr and Mrs Huls and now to Ms Milner. Between 23<sup>rd</sup> July 2021 and 25<sup>th</sup> July 2021 there was a period where the property was vacant, while redecoration works were undertaken, but since then the occupation of the dwelling has been continuous. Therefore, the evidence contends that since March 2020, the building has been occupied as a self-contained residential unit by tenants. No evidence has been provided to dispute the information stated in the statutory declaration.

The Applicant has submitted a Planning Statement which details that the building is completely self-sufficient, with its own kitchen and bathroom. Residential accommodation is provided on the first floor, with the ground floor used as garage space. The internal photographs show a functioning kitchen and bathroom. The information provided across the rental agreement, photographs and statutory declarations all indicate that the building was converted to residential use in 2018 and since 2020 has been rented out as a self-contained independent dwelling, with four tenants occupying the property since.

Council tax has been paid for the main dwellinghouse, Firhaven, since 2003. While Firhaven Barn has a separate address point and an independent occupant, separate from the main dwelling, there is no record of council tax being paid for this particular building. However, this is not determinative and would not counteract the evidence submitted with the application.

It is considered that the evidence submitted is sufficiently precise and unambiguous to demonstrate that on the balance of probabilities, that the building known as Firhaven Barn has been in use as an independent dwellinghouse since March 2020, and has formally been let occupied by external tenants since 1<sup>st</sup> March 2020. Therefore, as this is a period in excess of 4 years previous to the date of the application, a certificate of lawfulness should be granted.

### **Recommendation: Application Permitted**

#### **Reason for Approval:**

- 1 It has been demonstrated, on the balance of probabilities, that the first floor of the building known as Firhaven Barn (shown edged in red on the plan below) has been in use as an independent dwellinghouse for a continuous period in excess of the required time period.

#### **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.

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#### **Plans list for: DC/26/1087**

#### **Schedule of plans/documents approved:**

| Plan Type | Description | Drawing Number | Received Date |
|-----------|-------------|----------------|---------------|
|-----------|-------------|----------------|---------------|

|                      |                                                         |      |            |
|----------------------|---------------------------------------------------------|------|------------|
| Location plan        |                                                         | NONE | 07.07.2026 |
| Supporting Statement | Supporting Statement (including statutory declarations) | NONE | 31.07.2026 |

**DELEGATED**

Case Officer sign/initial      Bethan Tinning      Date: 04.09.2026

Authorising Officer sign/initial      RHERMITAGE      Date: 22.09.2026

**PLAN**

