



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/1062

Hayes Farm, Unit 3, Gay Street, Pulborough, West Sussex, RH20 2HL

DESCRIPTION:

Use of premises (Unit 3) as a light-industrial workshop for the purpose of joinery construction (Lawful Development Certificate - Existing).

RELEVANT PLANNING HISTORY:

DC/12/1244	Retrospective application for the change of use of part of existing agricultural barn to light industrial wood working workshop	Application Permitted on 15.10.2012
DC/25/0763	Prior Notification for change of use from light industrial workshop to a single residential dwelling.	Prior Approval Required and REFUSED on 02.07.2025
EN/12/0241	Alleged change of use to commercial with new access drive	Case Closed
EN/19/0480	Alleged: Machinery building being used as a dwelling	Case Closed – No Breach

SITE LOCATION & APPLICATION DESCRIPTION

The application site comprises a barn located to the east of Gay Street, sitting within a plot that is separate from the adjoining agricultural fields and sporadic residential buildings. The building itself is separated into three units, with Units 1 and 2 previously granted consent for the change of use from agriculture to a light industrial use, approved under DC/12/1244. It has not been possible to locate the original permission for this building. Unit 3, in which this application relates, is the most southern unit. 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 remaining part of the building has been used for light industrial 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

Whilst no Planning Statement has been submitted, the Application Form confirms that Unit 3 has been used for light industrial purposes exceeding a period of 10 years, in which this use has comprised a machine workshop for the purposes of joinery construction. The form details that the use has been continuous from 28th April 2014 to current day, occupied by one person/company, namely Robert Maxwell-Miles.

Supporting Evidence

- Location Plan
- Driveway/Car Park Plan
- Photographs
6 photographs have been supplied showing joinery machines, equipment and materials within the building. As the original photographs have not been supplied, it has not been possible to analyse the images' digital signature. However, the screenshots show the approximate location of the photographs and the photographs are either dated 16/12/2014 or 29/04/2015.
- Evidence of Payment to Business Rates
Correspondence between Horsham District Council and Robert of The Joinery & Furniture Company, confirming the balance and transactions relating to Unit 3, Hayes Farm. These payments cover the period from 28/04/2014 to 01/04/2027.
- Affidavit – Robert Maxwell-Miles
This Affidavit states that Robert is a joiner by trade and confirms that they have operated their business from the workshop of Unit 3 Hayes Farm, continuously since April 2014 to the date of the statement. Robert has rented the workshop from Richard and Linda Ramsden for the last 12 years paying rental monthly without a break. Included as evidence, is the above list of balances and transactions supplied to Robert, by the council relating to business rates, covering the period from 28/04/2014 to 01/04/2027. The Affidavit is signed and dated 15h June 2026, witnessed in the presence of a solicitor.

Council's Evidence

- HDC Democratic Services and Elections Consultation Response
No details held given the property is not residential
- HDC Benefits and Revenues Consultation Response
Confirms Unit 3 Hayes Farm has been in non-domestic rates since 2014, following an inspection. Owner and occupier details confirmed.
- HDC Planning Compliance Response
Comments received
- West Chiltington Parish Council Consultation Response
Comments: This is a holding comment. More detailed comments will be submitted following the Parish Council's Planning Committee Meeting on 1st September 2026. If the Planning Officer is minded to approve this application, the Parish Council wishes to request that it be put forward for consideration by HDC's Planning Committee due to some potentially material planning concerns.
- Site's Planning History, documentation and site visit records (photographs from previous applications and enforcement visits)

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 Gabbittas 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 confirms within the application form that Unit 3 has been used for light industrial purposes for a period exceeding 10 years and is therefore immune from enforcement action. In support of this claim, the applicant has submitted an affidavit, historic photographs and evidence of business rates payments. The supporting evidence relies on the Affidavit from Robert Maxwell-Miles, whose joinery company has occupied this unit for the last 12 months. Photographs have also been supplied, dated 2014 and 2015, showing the joinery machinery, equipment and materials within the building and cross referencing these photographs against other photographs available to the Officer as part of the planning history, it appears these were taken from inside Unit 3. These photos are consistent with the Council's (dated October 2019). Furthermore, the evidence of business rates being paid further supports the applicant's stance, showing a continuous period of payment covering a period of 13 years.

Whilst the supporting evidence is minimal, it is also acknowledged that the planning history available to the officer appear to confirm the applicant's account. The consultation response by the council's Revenues and Benefits Team, confirms that Unit 3 was inspected in 2014 and has been in a continuous non-residential banding since this time, correlating the owner's details, but also the Occupier, Robert Maxwell-Miles, whose company details have been confirmed. Whilst there is a break in evidence, in 2019, the building was inspected by the council's Planning Compliance Team as part of the Compliance Investigation, reference EN/19/0480. The visiting Officer's photos and notes confirm that the whole ground floor of the building is being used as woodworking workshop, with machines and materials present to match this use.

Furthermore, the site photos taken during the course of the application process of DC/25/0763, appear to show materials and equipment consistent with the joinery workshop use and not an agricultural use, in which the Officer's Delegated Report states that it was evident during the site visit, that the building was in a use as a light industrial wood workshop, with an internet search confirming a joinery and furniture company operating out of Hayes Farm Workshop.

The supporting Affidavit has been signed and witnessed before a solicitor and is therefore afforded significant weight. The council has no reason to doubt the reliability of the statement, or the other corroborating evidence, and given the presence of the council's own corroborating evidence, the claims made are accepted on the balance of probabilities. It is considered that the evidence submitted by the applicant is sufficiently precise and collaborated, that on the balance of probability, the building has been used for light industrial purposes for a continuous period in excess of 10 years. It is therefore recommended that a certificate of lawfulness should be granted.

Other Matters

The consultation response from West Chiltonton Parish Council is acknowledged. However, as this is not a full planning application, rather a Lawful Development Certificate, the application is assessed solely on matters of fact and law rather than planning merits. The Parish Council have not supplied comments within the statutory consultation period, raising matters that prevent the determination of this application or evidence that contradicts the account assessed within this report. Furthermore, whilst the Parish Council request that this application be heard by the HDC's Planning Committee, a Lawful Development Certificate cannot be heard by the committee, in line with the HDC's Constitution, paragraph 1.14.2.3.

Recommendation: Application Permitted

Reason:

1. It has been demonstrated, on the balance of probability, that Unit 3 (outlined in red on the attached plan) has been in a light industrial use for a continuous period in excess of 10 years (up until the date of this application).

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/26/1062

Schedule of plans/documents **approved:**

Plan Type	Description	Drawing Number	Received Date
Location plan	Location Plan	NONE	03.07.2026
Plans	Driveway/Car Park Plan	NONE	03.07.2026
Supporting Docs	Affidavit - Robert Maxwell-Miles	NONE	03.07.2026
Supporting Docs	Evidence of Payment to Business Rates	NONE	03.07.2026
Photos	Internal Photos	NONE	03.07.2026

DELEGATED

Case Officer sign/initial Sam Nye Date: 27/08/2026

Authorising Officer sign/initial _____ Date: _____

A diagram of a road layout. It features a light gray background with a white dashed line on the left and a white solid line on the right. A gray rectangular area is positioned in the center, tilted at an angle. Within this gray area, a smaller rectangle is outlined in red. The red rectangle is located at the bottom-left corner of the gray area.

