Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/24/1635
Great Steeds Farm House , Copsale Road, Maplehurst, West Sussex, RH13 6QY

DESCRIPTION:
Application to confirm the use of the Woodstore building as a self-contained residential dwelling (Class C3) on a date four years previous (Lawful Development Certificate - Existing).

RELEVANT PLANNING HISTORY:

DC/21/1344	Conversion of part of existing barn into a residential dwelling (Class C3).	Withdrawn Application on 12.10.2021
DC/22/0718	Prior Notification for the change of use of the Southern end section of a barn to residential (Use Class C3) to form 1no dwellinghouse.	Prior Approval Required and REFUSED on 30.05.2022
PE/22/0225	Guidance and advice before submission of subsequent application for Prior Approval	Pre-Application Advice Given on 07.10.2024
N/11/88	Conversion of barn into farmhouse. (From old Planning History)	Application Permitted on 24.03.1988
N/41/89	Construction of vehicular access. (From old Planning History)	Application Refused on 09.03.1990
N/49/97	Conversion of agricultural building into 1 house Site: Blakes Farm Barn Greatsteads Farm Copsale Road Maplehurst	Withdrawn Application on 20.01.1998
N/4/98	Conversion of agricultural building into 1 house Site: Blakes Farm Barn Great Steeds Farm Copsale Road Maplehurst	Withdrawn Application on 19.03.1998
N/19/98	Erection of agricultural building Site: Great Steeds Farm Copsale Road Maplehurst	Application Permitted on 29.04.1998
N/46/00	Extension to livestock building Site: Great Steeds Farm Copsale Road Maplehurst	Application Permitted on 20.09.2000
N/90/02	Conversion of barn into 1 dwelling Site: Black Farm Barn Great Steads Farm Copsale Road Maplehurst	Application Permitted on 21.03.2003
DC/04/2718	Sandschool	Application Permitted on 07.03.2005
DC/09/1498	Replacement stables	Application Permitted on 18.11.2009

PLANNING ASSESSMENT

The application relates to a Lawful Development Certificate (Existing) to confirm the continuous use of the Woodstore building as a self-contained residential dwelling (Class C3) on a date four years prior.

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.”

Summary of Applicant’s Evidence

- *Planning Statement*
- *Site Location Plan*
- *Photographs*
- *Aerial Photographs*
- *Statutory Declaration*
- *Council Tax Bill – for period 2024-2025*
- *Energy Performance Certificate*
- *Tenancy Agreements:*
  - 16/09/2008 16/03/2009
  - 01/07/2010 01/01/2011
  - 01/01/2011 01/07/2011
  - 01/01/2012 01/07/2012
  - 15/11/2013 15/05/2014
  - 27/08/2014 27/02/2015
  - 02/03/2015 02/09/2015
  - 09/03/2016 09/09/2016
  - 15/02/2017 15/08/2017
  - 26/06/2018 (No date)
  - 01/01/2019 30/06/2019
  - 24/02/2020 (No date)
  - 01/05/2021 31/10/2021
  - 10/05/2022 10/11/2022
  - 16/05/2022 15/05/2023
  - 01/10/2024 30/03/2025

Summary of Council’s Evidence

- *Consultation Revenues Team – Confirming liability date 01.10.2024*
- *Neighbour Testimony*
- *Aerial Photograph dated 2001, 2007, 2021 and 2018*
- *Application documents and site photographs*

Discussion

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."

F W Gabbitas v SSE and Newham LBC [1985] JPL 630 held that the applicant's own evidence does not need to be corroborated by "independent" evidence in order to be accepted. If the Local Planning Authority has no evidence of its 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 application to confirm the use of the 'Woodstore' building as a self-contained residential dwelling (Class C3) for a continuous period of more than four years prior to the date of application has been thoroughly reviewed. Based on the evidence and documentation provided, the Local Planning Authority is unable to conclude that the use of the building meets the requirements of lawfulness as set out under Section 191(4) of the Town and Country Planning Act 1990. The evidence does not demonstrate, on the balance of probability, that the use of the building has been continuous and uninterrupted for the necessary four-year period.

While it is acknowledged that the applicant has provided statutory declarations, tenancy agreements, council tax records, and other supporting documentation, these materials fail to establish a clear and continuous timeline of residential use. Significant gaps exist within the claimed period of use, undermining the continuity required to satisfy the four-year rule. Notably, there is a gap of over six months between 31 October 2021 and 10 May 2022 where no evidence has been provided to confirm the ongoing use of the building as a self-contained residential dwelling. Furthermore, there is an additional gap of over a year between 15 May 2023 and 1 October 2024, during which the building's use is also unsubstantiated. These gaps in occupation interrupt the continuity of use and preclude the conclusion that the building has been used as a self-contained residential dwelling for the requisite four years.

The overlaps between certain periods of claimed occupation, such as those between 10 May 2022 and 15 May 2023, do not resolve the issues created by the larger gaps in the timeline. Continuity of use must be demonstrated across the entire four-year period, and the evidence provided does not achieve this. While statutory declarations and supporting documentation hold weight, they must be sufficiently precise and unambiguous to meet the legal test. In this case, the evidence presented contains gaps and lacks the clarity necessary to establish the lawfulness of the claimed use on the balance of probability.

Section 191(4) of the Town and Country Planning Act 1990 is explicit in stating that a certificate of lawfulness be refused if the Local Planning Authority is not satisfied of the lawfulness of the use based on the information provided. Additionally, case law, including F W Gabbitas v SSE and Newham LBC [1985] JPL 630, emphasizes that while corroborating evidence is not essential, the evidence must still be precise, unambiguous, and persuasive. The evidence submitted in this instance does not meet these criteria, as the significant gaps undermine the claim of continuous use.

In conclusion, the Local Planning Authority cannot grant the application for a Lawful Development Certificate due to insufficient evidence to demonstrate that the 'Woodstore' building has been in continuous use as a self-contained residential dwelling for a period of four years prior to the date of this application. The evidence fails to meet the legal requirements set out in the Town and Country Planning Act 1990 and relevant case law. Should the applicant wish to provide additional evidence to address the identified gaps or clarify the timeline of use, the Local Planning Authority would welcome further engagement. However, based on the current submission, the application is refused.

Recommendation: Application Refused

Reason(s) for Refusal:

1. It has not been demonstrated, on the balance of probability, that the building (outlined in red on the attached Plan) has been used in the manner of a self-contained dwellinghouse for a continuous period in excess of 4 years.

Plans list for: DC/24/1635

Schedule of plans/documents **not approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan		NONE	21.10.2024

DELEGATED

Case Officer sign/initial Shazia Penne Date: 16.12.2024

Authorising Officer sign/initial Tamara Dale Date: 16.12.2024

Plan

