Horsham District Council
Parkside
Horsham
West Sussex
RH12 1RL

10 December 2024

Dear Sir/Madam

Homelands Farm Stables, Bines Road, Partridge Green RH13 8EQ

This letter accompanies this application under Section 191 of the Planning Act 1990 ('the Act') for determination that the following uses and development is lawful:

- use of two adjoining buildings as a single dwelling with ancillary grooms' accommodation
- use of adjoining land as residential garden
- conversion of the Byre not in accordance with the plans approved by DC/09/1017

The following information is submitted in support of this application:

- 23_019_PL_00_105 rev 04 Site Location Plan 1:1250
- 23_019_PL_00_105 rev 06 Site Location Plan 1:500
- Drawing SK1 – Existing plans and elevations of 'The Barn'
- Drawing SK3 – Existing plans and elevations of 'The Byre'
- Plans of the Byre approved under DC/09/1017
- Sworn Declaration of the applicant Mr B Leathers

Section 171B of the Act sets out the time limits for taking enforcement action. On 25 April 2024, s171B of the Act was amended by the LURA so that the time limit for taking any form of enforcement action is 10 years. This means that any operational development, material changes of use and breaches of condition now have to take place for more than 10 years before they become lawful.

However, transitional provisions apply which means that in certain circumstances, the former provisions of S191 apply. These are:

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- For breaches involving the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, where substantial completion is before 25 April 2024, the time limit is four years from substantial completion; and
- For breaches involving the change of use of any building to use as a single dwellinghouse where the change of use took place before 25 April 2024, the time limit is four years from the date of the breach.

In this case, the operational development and the change of use to a single dwelling applied for were completed before 25 April 2024 and are therefore subject to the original 4-year rule. In both cases, they were actually completed more than 10 years ago, so the transitional arrangements are not especially critical but the context is set out for clarity.

Use of two adjoining buildings on this site as a single dwelling with ancillary grooms' accommodation

The buildings the subject of the application are the two buildings marked as 'The Barn' and 'The Byre' on the Site Location Plan 1:500 accompanying the application and attached to the sworn statement. They have been occupied as a single dwelling with ancillary grooms' accommodation since 2013. The chronology of events is clearly set out in the applicant's sworn statement.

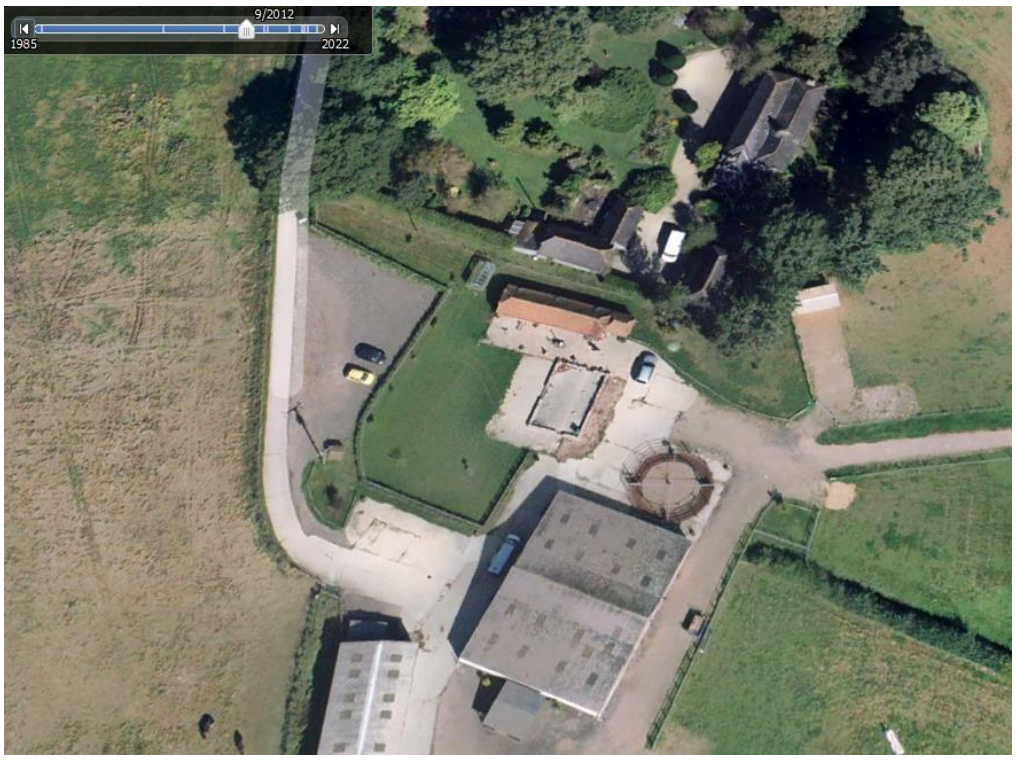
In summary, the applicant originally occupied the Byre in accordance with the planning condition imposed on planning permission DC/09/1017 as groom's accommodation. In 2013, without planning permission, he moved into the adjoining Barn with his young family (erected as a tack room, office, client's rest room, changing room and facilities - DC/12/0742) but continued using the kitchen in the Byre. He has therefore used both buildings together as a single dwellinghouse. The accommodation in the Byre continued to be used as grooms/visitor accommodation, the kitchen being used by both the occupiers of the Byre and the applicant.

The relevant period for the taking of enforcement action against this breach would be four years. The use has taken place for more than four years and in fact for over eleven years. It is therefore immune from enforcement action and is now lawful.

Use of adjoining land as residential garden

The change of use of the land to form the garden (shown as the land within the application site edged red) took place shortly after the applicant moved into the Byre. In addition to the information in the sworn statement, the following aerial image from Google Earth corroborates the fact that the land in the red edge was laid out as garden before 2012.

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Google Earth Image from 2012

It also shown with new hedging planted around it in the photographs that are included at the end of this letter taken from the 2012 planning application file. The land has therefore clearly been used as garden for more than the requisite ten years. This change of use is also immune from enforcement action and is now lawful.

Conversion of the Byre not in accordance with the plans approved by DC/09/1017

In preparing this application, it became apparent that the Byre that the applicant moved into in 2010 and subsequently purchased in 2020, did not accord with the elevations approved by application DC/09/1017. The original approved plans are included in this application along with plans of the building as it currently appears. There are photographs of the converted Byre in the planning file associated with application DC/12/0742 (for the erection of the Barn) which are included at the end of this letter. They show that the Byre, in 2012, did not have the appearance of the approved plans and therefore was not converted in accordance with the permission but this breach occurred more than 10 years ago and is therefore immune from enforcement action and is now lawful.

It is acknowledged that this application must be accompanied by sufficient factual information/evidence for a local planning authority to decide the application. The applicant's swom statement clearly sets out the timeline of events and demonstrates unequivocally that all the uses/development applied for took place more than 10 years ago.

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The National Planning Policy Guidance states *"In the case of applications for existing use, if a local planning authority has no evidence itself, nor any 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."*

It is submitted that this application provides evidence that is precise and unambiguous and justifies the grant of the Certificate of Lawfulness for the uses/development set out in this application.

Yours faithfully

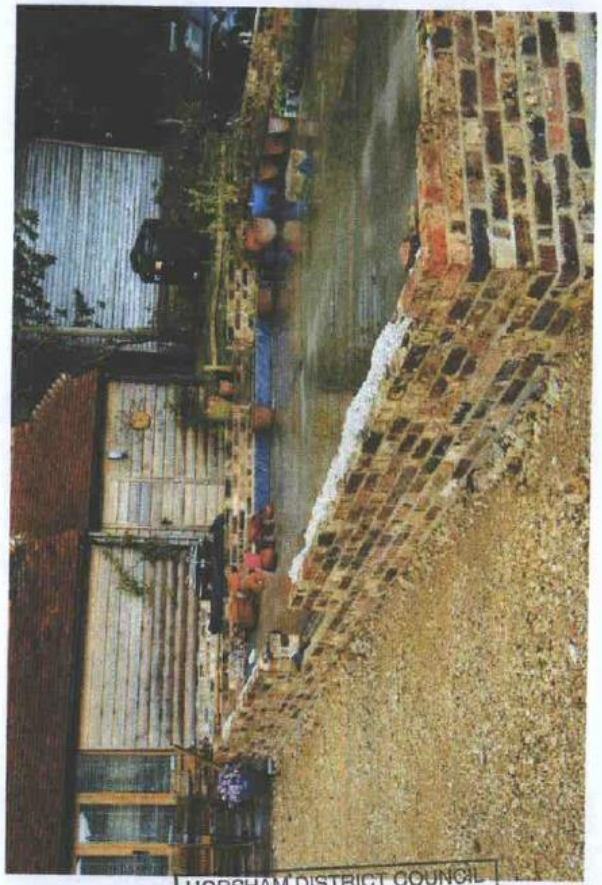
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HORSHAM DISTRICT COUNCIL
DEPOSITED PLAN
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No. DC/12/0742