Planning Statement

Certificate of Lawfulness application to confirm the independent residential use of a former agricultural barn as a single dwelling at the property known as The Boathouse

Address: The Boathouse, Palmers Barn, West Chiltington Lane, Coneyhurst, West Sussex RH14 9DN

Dated: 18 October 2024

Statement Produced by: Clare Blanch Wright MA GDip MRTPI, Chartered Town Planner, Director of C.B.Wright & Associates Ltd.

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1.0 Introduction and background

1.1 This application is submitted in accordance with sub-section (1)(a) of s191 of the 1990 Act (as inserted by the 1991 Planning and Compensation Act). This permits any person to apply to the Local Planning Authority to ascertain whether an existing building and use of buildings or other land is lawful. Such decisions are made on the balance of probability with the onus of proving lawfulness resting with the applicant.

1.2 The Proposal is for a Lawful Development Certificate to confirm the existing use and operation of a building is lawful. This building being known as The Boathouse and other land shown on the attached plan as separate residential accommodation away from the main house, a converted Barn known as Palmers Barn. It is submitted that the current situation is immune from enforcement action because the time for enforcement action has passed due to having been occupied independently from the main house for a period exceeding 10years.

1.3 S.171B(2)(a) and (b) was updated on 25 April 2024 by the Levelling-up and Regulatory Reform Act 2023 (s.115, ss (1)(a) and ss (2)(a)) and Statutory Instrument 2024/452, reg. 3(b) (with reg.5). This had the effect of bringing together the periods for establishing the period for immunity of enforcement to a combined 10 year period for both buildings and use.

1.4 The use from annex to independently occupied dwellinghouse is therefore considered to be within the time limit specified in S.171B (2) (a) where it states

"(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 of planning control in England, ten years beginning with the date of the breach .."

2.0 History of Palmers Farm, Palmers Barn and The Boathouse

2.1 Palmers Farmhouse was the original building around which many later structures were built and subsequently separated off. Palmers Barn was amongst these later buildings that serviced the running of the farm. The wider farm holding had many uses, including as a pig farm and in part comprising a registered airstrip.

2.2 Works to enable residential conversion for Palmers Barn were completed in the early 1990's. A Freedom of Information request to Horsham District Council has found permission granted 2nd October 1985, reference BL/85/84 for "Conversion of Barn to dwelling".

2.3 Application reference BL/85/84 shows The Boathouse as part and parcel of the original planning permission.

2.4 In 1993 the applicants purchased Palmers Barn, incorporating The Boathouse, from Mr Michael Parks that had repossessed Palmers Barn from his brother in law Mr Kirkwood. Mr. Kirkwood had previously converted The Boathouse and used it for a large open plan office for staff employed in his yachting company and that also included ancillary residential accommodation. The internal photograph in Appendix A.2.0 shows floor mounted plug sockets as surviving remaining evidence of the commercial use. The Statutory Declaration in Appendix A.1.0 from Mr. David Ball, refers and shows the current layout of The Boathouse.

2.5 Subsequently, the parents of Ruth Baxter (Mr. and Mrs. Harris) then occupied the part known as The Boathouse as a separate unit of accommodation and separately blocked off from access from within Palmers Barn.

2.6 Upon the death of Mr. and Mrs Harris The Boathouse was let on an in-trust basis to people within the friendship circle of Mr. Ball and Mrs Baxter. This was for an uninterrupted period beginning 10 April 2013 up until the present time. Sworn Statements, attached in Appendix A.1.3, are from the tenants from these periods of occupation (excluding Mr. James Hurtle that is understood to be recovering from serious illness) as no formal tenancy agreements were sought. The Oath provided by the applicants' family solicitor displays a comprehensive understanding of Palmers Barn and the tenants of The Boathouse, stemming from their involvement in the family's probate dispute over a period of several years.

3.0 The current situation

3.1 As Planning Consultant I visited The Boathouse and Palmers Barn on 18 July 2024, inspecting both interior and exterior arrangements.

3.2 The Boathouse is clearly physically separate from Palmers Barn. There exists no means of entering either property from within.

3.2 The Boathouse has operated in a functionally independent way from the main house for all its internal requirements that contains all the necessary facilities within to independently support the day to day private domestic living for occupants, as per the Gravesham Test[1]. The Boathouse has its own utility room with bootroom at its entrance, a fully fitted kitchen/ dining room, a snug/family room, downstairs bathroom, study, lounge with a fitness area and a first floor bedroom with ensuite. Utilities also being provided separately, see Appendix 3, via spurs from the main services. Bottled gas is provided separately for each property. Parking for The Boathouse being immediately adjacent to its south elevation.

3.3 Shared main road accesses, services and means of sewage disposal are commonly found in rural situations, as is in this case.

4.0 Evidence provided

4.1 Statutory Declaration from Mr. David Ball confirming The Boathouse was let continually to four individual parties, Appendix A.1.1 and including floor plans:

Tenant Name	**Period of Tenancy**
Charlotte Bagwell	10 April 2013 until 26 May 2015
Chris Sweatman	26 May 2015 until 12 August 2017
James Hurtle	12 August 2017 until 28 November 2021
Josh Dennison	28 November 2021 until currently

4.2 Oath from the family's solicitor, Mr. Julian Lee regarding the previous ownership and occupation of The Boathouse and of the consecutive tenancies of the four named parties, Appendix A.1.2.

4.3 Sworn Statements from Mr. David Ball, previous tenants and utilities records are attached in the Appendices.

[1]Gravesham BC vs SSE (1984)

5.0 Conclusion

5.1 The evidence provided above demonstrates the use of The Boathouse an independent unit of accommodation that operates functionally and physically separate from Palmers Barn. Each comprises an independently occupied and accessed building and services and have an independent postal address.

5.2 I submit that the property known as The Boathouse comprises an independently occupied complete planning unit. Continued use of The Boathouse as independent residential accommodation constitutes material development under S.55 of the Town and Country Planning Act 1990 as amended and has done so continuously, having been occupied and with the minor fenestration works, having been in existence for over 10 years.

5.3 In this case, the onus of proof is upon the applicants, whose own evidence does not need to be corroborated by independent evidence in order to be accepted.

5.4 If the Council has no evidence of its own, or from others, to contradict or otherwise make the appellant's version of events less than probable, there is no good reason to refuse the application, provided the applicants' evidence alone is sufficiently precise and unambiguous on the balance of probability.

5.5 All the evidence, it is submitted, is all one way, and in favour of the grant of a lawfulness use certificate.

Please do not hesitate to contact me if you require any further information or to visit the site.

Yours sincerely

C.B. Wright

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Director, C.B.Wright & Associates Ltd.

Appendix 2.

A.2.0 Existing photograph of the side of The Boathouse.
Palmers Barn is to the rear, with a lighter coloured timber shiplap. Red tile hung property further to the rear is the garage block belonging to the neighbouring Palmer's Farmhouse.



Front entrance door to The Boathouse



Rear portion of The Boathouse



A.2.1 Front elevation of the Lower section of The Boathouse (Palmers Barn in lighter coloured shiplap timber to the right)



Floor mounted electrical sockets for previous commercial use and remaining in the living room/ fitness area (looking towards stables at the rear).



A.2.2 Internal layout of The Boathouse

