



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0915

Alderwood Ponds, Horsham Road, Steyning, West Sussex, BN44 3AA

DESCRIPTION:

Application to confirm the Use of 'The Dwelling' building as a self-contained dwellinghouse (Lawful Development Certificate Existing).

RELEVANT PLANNING HISTORY:

DC/17/0863	Demolition of existing nissen hut storage building, construction of new building on same site for storage of site maintenance equipment, customer reception, provision of first aid facility, and water management equipment	Permitted on 30/05/2017
DC/19/0170	Change of use of part of existing building to provide overnight accommodation for use by Bailiffs for the supervision of Anglers and fisheries	Permitted on 03/06/2019

SITE LOCATION & APPLICATION DESCRIPTION

The application site is located outside the built up area and within a countryside location. The site comprises a recreational coarse fishing site, with three ponds set within a landscapes area, grasslands, trees and wooded areas. The parking area, site facilities and vehicular access into the site lies on the eastern side of Horsham Road, where a substantial tree belt screens the site from wider views along the road.

The site is open to members of the public, with gated access available between 07:00 and 19:00 daily for customers to drop in for fishing. The gates are locked at 19:00, but anglers are able to fish after this time on an overnight ticket if purchased prior to closing.

It is noted that the application site hosts camping between May-September, as advertised on their official website.

The application seeks to confirm the use of the building indicated within the red line boundary as a self-contained dwellinghouse.

PLANNING ASSESSMENT

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 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".

Applicant's Evidence

- Plans and Elevations
- Block Plan
- Location plan
- Photographs – Applicant provided
- Aerial photographs
- Planning Statement
- Statutory declaration 1 – The applicant
- Statutory declaration 2 – The applicant's partner
- Statutory declaration 3 – a local neighbour

Planning statement

The Planning statement details that the building was built and occupied as a dwelling from 2019. The statement acknowledges that the 2019 permission allowed overnight accommodation for fisheries bailiffs, the building was completed in July 2019 and the applicant and her partner moved in in August 2019, with this as their main residence since this time.

The building is self-contained with a living area, kitchen, bathroom, W.C, office/storage room and garden area. Overall, the argument outlines that the operational development in terms of its construction and the change of use to a dwelling was substantially completed 4 years prior to the date of this application and also the April 2024 such that the test in this case is for 4 years and not 10 years of uninterrupted development.

Statutory Declaration – The applicant

This Statutory Declaration by the applicant, confirms that they have lived in the building as their sole residence since August 2019 and outline that the land is owned by her mother. The applicant runs the business on behalf of her mother. The construction of the building was not carried out in accordance with the approved plans. The financial arrangement between her mother and the daughter as tenant is that the daughter manages the wider site in exchange for living within the building. Gas supply is paid for and stored separately, but other than this the water and electricity used within the building is from the mains which supply the wider site.

Statutory Declaration – The applicant's partner

This Statutory Declaration by the applicant's partner confirms that they have lived in the building as their sole residence since August 2019 and outline that the land is owned by his partner's mother. This statutory declaration outlines that they do not help in the running of the fishing business. The works to the building were carried out by his company and complete in July 2019. He outlines that the applicant's mother has allowed them to live within the building for free in exchange for his partner managing the fishery business.

Statutory Declaration – neighbour

This Statutory Declaration by a neighbour outlines that they know the family well and that the daughter runs the business on behalf of her mother.

Photographs – Applicant provided

The photographs provided show a washing machine in 2021, a sofa and bookshelf in 2020, a dining room table in 2020, a corner sofa in 2020, a bed in 2020 and what appears to be the construction of a structure in 2018, a kitchen in 2020 and a number of other photographs which outline the facilities within the building.

Photographs – Aerial applicant provided

This document shows various aerial photographs of the application site spanning a number of years from 2020 to 2025.

Council's Evidence

- HDC Democratic Services Consultation Response
- HDC Revenues and Benefits Consultation Response
- Planning application history
- Building Control History

HDC Democratic Services Consultation Response

The Council's democratic services team have reference the electoral register and have confirmed that there is no property names 'Alderwood Ponds' on the list.

HDC Revenues and Benefits Consultation Response

The Council's Revenues and Benefits Team do not hold any records that Council tax has been made on this property.

Site's Planning History

The applicant refers to The Covering Letter as part of a previous planning application (DC/19/0170) that details an issue with the security and safety on the site, particularly at night, and as a consequence overnight accommodation for a bailiff was required.

The submitted information considered by the Officer at the time included the following: *"At the time of submitting the application the Bailiff duty is carried out by the Applicant and supported by her daughter. An existing mobile home located to the south of the site entrance is currently used as a base for the Water Keeper and had previously been used by the Applicant's husband, in his capacity as Water Keeper to supervise and patrol the site. There has been an overnight presence of a Bailiff on the site for many years who has resided within the mobile home on the site and this has allowed the business to continue operating successfully."*

It was established that there was an essential need for a staff member to be at the site overnight due to security reasons, monitoring the land and fisheries. The condition read:

Regulatory Condition: *The occupation of the accommodation hereby permitted shall be limited to a person solely or mainly working as a bailiff in connection with the enterprise of Alderwood Ponds and shall not be used as the occupier's primary residence.*

Reason: *The site lies in an area where, in accordance with Policy 26 of the Horsham District Planning Framework (2015), development which cannot be justified as essential to the needs of agriculture or forestry would not normally be permitted.*

Building Control History

The Building control record under SBC/18/1456 initially described the work as *"Construction of new building for storage of site maintenance equipment, customer reception, provision of first aid facility, and water management equipment"* which was later changed to *"Amendment Construction of new building for storage of site maintenance equipment, customer reception, provision of first aid facility, and water management equipment. Use of part of the building to provide overnight accommodation for use by Bailiffs Alderwood Ponds Horsham Road Steyning West Sussex BN44 3AA"*. The Final Certificate was created 05 October 2021.

Assessment of Evidence

The applicant contends that the building, known as "The Dwelling", has been occupied as an independent self-contained dwellinghouse since August 2019, and thus this use has become lawful through the passage of time. The Council does not dispute that the applicant has occupied the property for the period claimed. However, the issue before the Local Planning Authority is not whether occupation has occurred, but whether the evidence demonstrates, on the balance of probabilities, that such occupation has taken place as a separate and independent planning unit, distinct from the wider Alderwood Ponds fisheries enterprise.

In support of the application, the applicant has provided statutory declarations and supporting documentation which seek to demonstrate continuous residential occupation of the building. Whilst this evidence indicates that the applicant has resided at the property for a significant period of time, it does not establish that the occupation has occurred independently of the fisheries business. Rather, the evidence repeatedly confirms an ongoing relationship between the applicant's occupation of the accommodation and the operation of the fishery.

The statutory declarations explain that the applicant manages and maintains the fishery on behalf of the site owner and occupies the accommodation as part of this arrangement. It is stated that accommodation is provided without the payment of rent, with the applicant undertaking work on the site in return. The Council considers this evidence to be highly significant, as it demonstrates that occupation of the building is intrinsically linked to the applicant's role within the fisheries operation rather than arising from an independent residential arrangement.

Furthermore, no tenancy agreement, licence or other documentation has been provided which would indicate that the accommodation is occupied independently of the business. The evidence instead points towards the accommodation being made available specifically because of the applicant's involvement in the management of the fishery. This arrangement is consistent with the accommodation serving a functional role in support of the fisheries enterprise.

The supporting information also fails to demonstrate that the building operates as a planning unit separate from the wider site. The evidence indicates ongoing physical and operational links between the accommodation and the fisheries business, including shared infrastructure and services. Whilst these matters are not determinative in isolation, they provide little support for the contention that a separate and unrestricted residential planning unit has been established.

The Council also notes that the condition attached to the 2019 planning permission required the accommodation to be occupied in connection with the operation of the fishery. Significantly, the applicant's own evidence indicates that their occupation occurs by virtue of their management and maintenance responsibilities on the site. The Council therefore considers that the evidence submitted is indicative of compliance with the occupancy restriction rather than a breach of it.

Taking the evidence as a whole, the Council is not satisfied that it demonstrates a material change from the authorised use of the building as accommodation connected to the fisheries enterprise to an independent dwellinghouse use. Whilst residential occupation is accepted, the evidence demonstrates that such occupation has remained functionally and operationally linked to the fishery throughout the period relied upon.

Accordingly, the Local Planning Authority is not satisfied, on the balance of probabilities, that the building has been used as an independent self-contained dwellinghouse separate from the wider Alderwood Ponds planning unit. The evidence instead demonstrates that the occupation remains directly associated with the management and operation of the fisheries business. The application therefore fails to demonstrate that the claimed lawful use has occurred and a Certificate of Lawfulness cannot be granted.

Recommendation: Application REFUSED

Reason:

- 1 It has not been demonstrated to the satisfaction of the Local Planning Authority, on the balance of probabilities, that the building (edged in red on the below plan) has been occupied as an independent single dwellinghouse from the wider use of the site for a continuous period in excess of 4 years.

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.

DELEGATED

Case Officer sign/initial Hannah Darley Date: 28/07/2026

Authorising Officer sign/initial RHERMITAGE Date: 30.09.2026

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