Horsham District Council

Application for a Lawful Development Certificate for an Existing Use or Operation or Activity, including those in breach of a planning condition

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Westlands Farm

Address Line 1

Billingshurst Road

Address Line 2

Address Line 3

West Sussex

Town/city

Ashington

Postcode

RH20 3BB

Description of site location must be completed if postcode is not known:

Easting (x)

512899

Northing (y)

117574

Description

Applicant Details

Name/Company

Title

First name

Jenny

Surname

Hendriksen

Company Name

Address

Address line 1

care of agent, Melton Lodge, Rusper Road,

Address line 2

Melton Lodge, Rusper Road,

Address line 3

Town/City

Newdigate

County

Country

Postcode

RH5 5BX

Are you an agent acting on behalf of the applicant?

- [x] Yes
- [ ] No

Contact Details

Primary number

***** REDACTED ******

Secondary number

Fax number

Email address

***** REDACTED ******

Agent Details

Name/Company

Title

First name

Phil

Surname

Rowe

Company Name

Address

Address line 1

Melton Lodge

Address line 2

Rusper Road

Address line 3

Town/City

NEWDIGATE

County

Country

United Kingdom

Postcode

RH5 5BX

Contact Details

Primary number

***** REDACTED ******

Secondary number

Fax number

Email address

***** REDACTED ******

Reason for Lawful Development Certificate

Please indicate why you are applying for a lawful development certificate

- ◯ An existing use
- ◯ Existing building works
- ⊘ An existing use, building work or activity in breach of a condition

Being a use, building works or activity which is still going on at the date of this application.

If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please select the relevant Use Class.

C3 - Dwellinghouses

Description of Existing Use, Building Works or Activity

Please fully describe each existing use, building works or activity for which you want the lawful development certificate. Where appropriate, show to which part of the land each use, building works or activity relates

Lawful Development Certificate to confirm that condition 2 of permission DC/19/2196 – 'Erection of two x 3 bedroom semi-detached dwellings' has been complied with and that the actions and intent of the applicant with regards to prior to commencement conditions 3,4 and 5 ensures the permission remains extant.

Grounds for application for a Lawful Development Certificate

Under what grounds is the certificate being sought

- ☐ The use began more than 10 years before the date of this application
- ☐ The use, building works or activity in breach of condition began more than 10 years before the date of this application
- ☐ The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- ☐ The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- ☐ The use as a single dwelling house began more than four years before the date of this application
- ☑ Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

If the certificate is sought on 'Other' grounds please give details

Please see submitted Planning statement - Lawful Development Certificate to confirm that condition 2 of permission DC/19/2196 – 'Erection of two x 3 bedroom semi-detached dwellings' has been complied with and that the actions and intent of the applicant with regards to prior to commencement conditions 3,4 and 5 ensures the permission remains extant.

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation?

◯ Yes
⊘ No

Please state why a Lawful Development Certificate should be granted

Please see submitted Planning statement - Lawful Development Certificate to confirm that condition 2 of permission DC/19/2196 – 'Erection of two x 3 bedroom semi-detached dwellings' has been complied with and that the actions and intent of the applicant with regards to prior to commencement conditions 3,4 and 5 ensures the permission remains extant.

Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

09-11-2022

In the case of an existing use or activity in breach of conditions has there been any interruption?

◯ Yes
⊘ No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?

◯ Yes
⊘ No

Residential Information

Does the application for a certificate relate to a residential use where the number of residential units has changed?

◯ Yes
⊘ No

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

◯ Yes
⊘ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

⊘ The agent
◯ The applicant
◯ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- [x] Yes
- [ ] No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

First Name

Surname

***** REDACTED ******

Reference

DISC/22/0318

Date (must be pre-application submission)

03/01/2024

Details of the pre-application advice received

Hi Phil, Happy New Year.

Unfortunately I don't know (and can't confirm) what a decision would be on a Lawful Development application to confirm that the development had commenced (by virtue of demolition of buildings) such that the permission remains extant.
You could submit a 'pre-app advice request' (on the online planning portal) to request written advice. The 'pre-app written advice request' would be allocated to a case officer but the written advice report provided to you would have been reviewed and decided upon by the managers to provide a definitive recommended way forward and if an LDC application is likely to be considered favourably by the council.

The link to request this advice is https://www.horsham.gov.uk/planning/planning-applications/pre-application-planning-advice

Hope this is of help.

Kind regards

Steve Astles

Interest in the Land

Please state the applicant's interest in the land

- [x] Owner
- [ ] Lessee
- [ ] Occupier
- [ ] Other

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:
(a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

◯ Yes
⊘ No

Declaration

I/We hereby apply for Lawful development: Existing use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.
I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.
I/We also accept that, in accordance with the Planning Portal's terms and conditions:
- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☑ I / We agree to the outlined declaration

Signed

Phil Rowe

Date

15/02/2024