Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/1511
Annexe, Bridge House, Copsale Road, Copsale, Horsham, West Sussex, RH13 6QT

DESCRIPTION:

Application to confirm the continuous use of Bridge House Annexe as a self-contained independently occupied dwellinghouse (Lawful Development Certificate - Existing)

RELEVANT PLANNING HISTORY:

DC/09/0031	Ground floor extension and first floor extension with dormers predominantly over existing single storey flat roofed area. To provide tearoom and ground floor bed and breakfast accommodation with additional owners accommodation to first floor. Change of use relates to provision of bed and breakfast accommodation.	Application Permitted on 10.03.2009.
DC/11/1907	Minor Material Amendment to previous permission DC/09/0031 (Ground floor extension and first floor extension with dormers predominantly over single storey flat roofed area to provide tearoom and ground floor bed and breakfast accommodation with owners accommodation to first floor) to incorporate porch to north elevation and enclosure to NE corner to provide enclosure for sustainable heating installation in conjunction with solar panels, relocation of bin stores, construction of bicycle shed and internal alterations	Application Permitted on 11.11.2011

Enforcement Case History

EN/07/0627	Use of Garage for residential purposes	Case Closed No Breach
EN/12/0003	Creation of independent unit of residential accommodation	Case Closed No Breach
EN/17/0173	Siting of caravan/site office following completion of approved development (DC/11/1907)	Case Closed – Breach Ceased
EN/24/0202	Alleged: conversion of garage to habitable accommodation	Case Closed No Breach

SITE LOCATION & APPLICATION DESCRIPTION

The Application site sits within the Parish of Nuthurst, located outside of any built-up area boundary and therefore sits within a countryside location for planning policy purposes. The site is not within a conservation area, is not subject to any heritage constraints and there are no Article 4 Directions, or applicable enforcement notices covering the site.

This application relates to an L shaped building, formerly a garage, situated in the northeast corner of the site, and will be referred to as ‘The Annexe’ in the proceeding sections of this report.

PLANNING ASSESSMENT

The Application seeks a Lawful Development Certificate to confirm the continuous use of 'The Annexe' as a self-contained independently occupied dwellinghouse, for a period in excess of ten years.

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."

The Land and matters subject of this Application are not subject of an extant enforcement notice, as such, there would be no automatic exemption from the grant of a certificate of lawfulness by virtue of the provisions of S.191(2)(b) TCPA 1990.

Applicant's Evidence

This application seeks confirmation that the continuous use of 'The Annexe' as a self-contained independently occupied dwellinghouse, has occurred for a period in excess of ten years. Whilst the application originally was seeking retrospective planning consent, the application type was amended following discussions with the Council. The following supporting evidence has been supplied in support of this Application. Owing to the personal nature of this evidence, it is summarised as the following:

- Location Plan, reference 7800
- Site and Location Plan, reference A02 Rev P1
- Existing Elevations and Floor Plan, reference A01 Rev P1
- Doctors and Health Correspondence Letters
- HDC Council Tax Correspondence, addressed to M Poole at Annexe Bridge House covering the periods:
  1) 1 April 2021 to 31 March 2022
  2) 1 April 2022 to 31 March 2023
  3) 1 April 2023 to 31 March 2024
  4) 1 April 2026 to 31 March 2027
- Department for Work and Pensions Letter, dated 12 March 2026 and addressed to Mrs Churcher at Bridge House
- Supporting Statement – Megan Walkden
  This statement details that they have been supporting the occupant of 'The Annexe', Mr Poole, for a period covering 10 and a half years. It furthers by stating that since knowing Mr Poole, he has been living in 'The Annexe' as his primary residence and they have supported them at the property on numerous occasions, being aware that Mr Poole has occupied 'The Annexe' continuously for more than ten years.
  The statement is signed and dated 28 August 2026.
- Supporting Statement – Jonathan Johns
  This statements details that they have known Mr Poole since 2010, in which 'The Annexe' has been their home. Johns has visited and supported Mr Poole on numerous occasions and to the best of their knowledge, Mr Poole has occupied the annexe continuously as his main residence for a period in excess of ten years.
  The statement is signed and dated 28 August 2026.

Council's Evidence

- HDC Democratic Services and Elections Consultation Response
  Confirms Mr Poole has been registered at Annexe, Bridge House, from 2017 to 2026.
- HDC Benefits and Revenues Consultation Response
  Confirms Council Tax has been paid for 'The Annexe', since 2012, occupied by Mr Poole.
- Planning Compliance History
- Site's Planning History – DC/09/0031, DC/11/1907
- Nuthurst Parish Council Consultation Response
  The Parish Council confirm they wish to raise concerns regarding the application but defer to the LPA to assess the evidence submitted and determine the application.
- Representation Comments – 1 New Cottages
  The respondent confirms that they were involved in the conversion of Bridge House Pub into living accommodation in 2013 onwards. They were aware that Mr Poole was living in the annexe at that moment in time and still does to present day.
- Lawful Development Questionnaire – No address provided
  The respondent confirms they moved into the neighbouring property in July 2024 and are aware that the occupant lives in the annexe, causing no issues.
- Representation Comments – Guernsey Cottage
  The respondent states that they have lived in Copsale for the last 40 years, travelling past the building on a daily basis. They state they have never seen any persons living within the building, or anything to suggest that the building has been occupied during this time.

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*."

The Court held in F W Gabbitas 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".

Planning History

'The Annexe' is situated in the northeast corner of the plot, with the main building known as 'Bridge House'. Formerly a Public House, consent was granted in 2009 for extensions to the building and a change of use, allowing for the ground floor of the building to be used as a tearoom/bed and breakfast and the first floor providing residential accommodation for the owners of the accommodation. As part of this consent, conditions were imposed ensuring that the ground floor remains in this Use and for no other purpose (Condition 7), alongside the first-floor accommodation solely being occupied for purposes ancillary to the ground floor commercial use (Condition 8). The Covering Letter submitted as part of this application describes Bridge House as a residential property, with 'The Annexe' being situated within its residential curtilage.

In 2007, under reference EN/07/0627, the Council received a complaint relating to the application building. Following an investigation, whilst it was concluded that persons were occasionally staying in the building, there were no facilities installed and therefore the investigation was closed as no breach of planning control was identified. 'The Annexe' was then subject to a further investigation in 2012, reference EN/12/0003, in which it was found that the garage had then been converted to form habitable accommodation, occupied by the owners and Mr Poole, whilst works were continuing in implementing DC/09/0031. It was concluded that the accommodation was ancillary to Bridge House and the

investigation was closed. In 2024, a similar complaint was received, reference EN/24/0202, in which the Council concluded that given the building was occupied by Mr Poole, who was receiving care from the occupants of Bridge House, the use remained ancillary to Bridge House and a separate unit of accommodation had not been formed.

Discussion of Evidence

Whilst the evidence from the applicant forming the LDC application is minimal, alongside the independent evidence available to the Council and evidence collected, it has been demonstrated that Mr Poole has resided within 'The Annexe' for a period in excess of ten years. However, in this case the issue is not the duration of occupation, but whether the occupation amounts to a separate independent self-contained dwellinghouse. The fact that 'The Annexe' contains facilities capable of supporting day-to-day living does not in itself mean that the accommodation is a separate dwellinghouse. In this case, the occupier, who suffers from severe mental impairment and requires full-time care and supervision, receives this care and support from the occupants of Bridge House. The submitted Covering Letter confirms that 'The Annexe' is intrinsically linked to Bridge House and contained within its curtilage, where Mr Poole's mother resides as his primary carer and appointee.

The accommodation is therefore functionally linked to Bridge House and does not constitute a separate planning unit. As such, the use of 'The Annexe' throughout the relevant period is considered to have been ancillary to the occupation of Bridge House. There is no clear physical subdivision of the site, no separate amenity space, and the annexe continues to share a close physical and functional relationship with the principal dwellinghouse. Whilst 'The Annexe' is separately assessed for Council Tax purposes and Mr Poole is separately registered on the electoral roll, these matters are not determinative of planning status. The main issue is whether the accommodation has functioned independently as a matter of fact and degree. In this case, the occupier is reliant upon care and support provided by the occupants of Bridge House and the accommodation functions as ancillary accommodation associated with the host dwelling rather than as an independent dwellinghouse.

Whilst the evidence demonstrates, on the balance of probabilities, that Mr Poole has occupied the annexe as his primary residence for a period exceeding ten years, the Council is not satisfied that the occupation has been as a separate and independent dwellinghouse. The available evidence indicates that the accommodation has remained functionally and physically associated with Bridge House and has been occupied in connection with the care and support provided by the occupants of that property. Therefore, it is concluded that the use of the annexe throughout the relevant period has been ancillary to the dwellinghouse, rather than a separate planning unit. The evidence therefore fails to demonstrate the lawful establishment of an independent dwellinghouse for the required period and the Lawful Development Certificate is therefore recommended for refusal.

Recommendation: Application Refused

Reason(s) for Refusal:

1. It has not been demonstrated, on the balance of probability, that the annexe (as shown shaded in black on the attached plan) has been occupied as a separate and independent self-contained dwellinghouse continuously for a period in excess of ten years prior to the date of this application. The evidence indicates that the annexe has remained ancillary to the occupation of Bridge House and does not constitute a separate planning unit.

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.

Plans list for: DC/26/1511
(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

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

Plan Type	Description	Drawing Number	Received Date
Location plan	Location Plan	7800	07.09.2026
Elevation & Floor plan	Existing Plans and Elevation	A01 REV P1	07.09.2026
Location & Site plan	Site and Location Plans	A02 REV P1	07.09.2026

DELEGATED

Case Officer sign/initial Sam Nye Date: 16/11/2026

Authorising Officer sign/initial Tamara Dale Date: 18/11/2026

PLAN

