

**RE: COOMBEWICK HOUSE, LONDON ROAD,
ASHINGTON, WEST SUSSEX RH20 3AU**

OPINION

1. An application has been made to Horsham Council (“the Council”) by the owner (“the Applicant”) of Coombewick House, London Road, Ashington, RH20 3AU (“the Site”) for “*Temporary siting and continued residential occupation of the existing mobile home with associated decking and ramped access for a further temporary period of three years, together with permanent retention of the existing access track and turning area*” (“the Application/the Development”).
2. Neighbours to the Site (“the Objectors”) have objected to the Application and I am instructed by the Objectors to consider the Application and provide my opinion on the issues it raises.
3. The Site has a lengthy planning history relating to both the caravan subject of the Application (“the Caravan”) and a barn on the Site (“the Barn”) for which the Applicant has made numerous applications to convert it into a house. I set out here a number of key matters from that history relevant to the Application:
 - a. July 2015 prior approval granted for the conversion of the Barn into a dwellinghouse (DC/15/1272). That prior approval was never implemented and no works of any kind to convert the Barn to a house were undertaken pursuant to it. This consent has now expired;
 - b. 21 April 2016 an application was made for the temporary retention of the Caravan and associated building work. That application was refused by the Council who recorded in their officer report that the basis of the application was: “*The retention of the mobile home for a temporary duration of three years is cited as being necessary during works to convert the barn to residential use. With no other property owned by the applicants, and no other*

residential use at the application site, the mobile home is currently occupied by the applicant and her family. Works to convert the barn are expected to take three years, with most of the work being undertaken by the applicant and her family, with the exception of the more 'skilled work'." Contrary to those stated intentions, as already noted, no such works ever took place;

- c. 19 May 2017 an Inspector allowed an appeal against the Council's decision to refuse to grant temporary consent for the retention of the Caravan. That appeal was considered on the basis that the application was for a temporary consent and the Inspector concluded that on balance the temporary retention would be acceptable. They made no finding, and indeed could not, about the acceptability of the permanent retention of the Caravan. In reaching their conclusion the Inspector relied at paragraph 6 on: "*The site benefits from permitted development rights for the conversion of the vacant barn on the land (ref: DC/15/1272) and it is the appellant's intention to remain in the caravan whilst work is carried out to complete the permitted barn conversion.*" And at paragraph 10: "*I have also considered the concerns of the Council that there has been insufficient justification for the development and that it would be inappropriate development in the countryside. However, there is no dispute that the appellant is able to convert the existing barn on the land into a dwelling. The land therefore has use for one residential unit. That use would have an impact on the land in any event.*" What the Inspector relied on happening to make the development acceptable, i.e. the conversion works to the Barn, have in fact never taken place;
- d. 5 March 2020 prior approval for the conversion of the Barn to a dwellinghouse was refused;
- e. 19 May 2020 the Caravan and associated building work was required to be removed from Site in accordance with the 2017 appeal permission. It was not removed and remains on site to this day;
- f. 21 May 2020 prior approval granted for the conversion of the Barn to a dwellinghouse. That prior approval was never implemented and no works of any kind to convert the Barn to a house were undertaken pursuant to it. This consent has now expired;
- g. 2 July 2020 planning permission was granted varying the time limits for the removal of the Caravan and associated building work from the Site by a

further 3 years. In granting that permission the Council found: *“The principle of stationing the mobile home, along with the formation of the access track, which is intended to facilitate the conversion of the barn, would be contrary to local and national policies which seek to restrict inappropriate development within the countryside. However, it is noted that these are intended to be temporary, and are associated with the barn conversion under DC/20/0630. The situation is apparent, that for personal reasons the conversion works have stalled and another three years are required to convert the barn under a new Prior Notification, until 2023. The provision of a renewed temporary consent would enable these conversion works to proceed, allowing the applicant to reside on site whilst the works are carried out, noting that there is no other unit of accommodation on this parcel of land.”* Contrary to those stated intentions, as already noted, no such works ever took place. The clear position of the Council was that if the development was permanent it would be contrary to policy and not supported;

- h. 17 October 2022 prior approval granted for the conversion of the Barn to a dwellinghouse. That prior approval was never implemented and no works of any kind to convert the Barn to a house were undertaken pursuant to it. This consent has now expired;
- i. 2 July 2023 the Caravan and associated building work were required to be removed from the Site. They were not and they remain on site to this day;
- j. 21 April 2024 the Council refused planning permission for the demolition of the Barn and construction of a dwellinghouse for 6 separate reasons for refusal;
- k. 15 July 2025 prior approval granted for the conversion of the Barn to a dwellinghouse. That prior approval has not been implemented and no works of any kind to convert the Barn to a house have been undertaken pursuant to it; and
- l. 27 February 2026 the Council stated in writing to the Objector: *“A deadline has been given of 18th May 2026 for the mobile home to be removed from the land, and it is understood that the landowner is seeking to comply with this deadline. Following a change of circumstance the Council recently reviewed its decision with regards to the need for the mobile home to be removed. Given it is currently being occupied by somebody whose occupation is unlikely to be*

connected to the implementation of the extant approval for the conversion of the agricultural building it is no longer considered it would be permitted development. It is therefore now considered to be expedient to pursue enforcement action if the breach of planning control is not resolved by the date given.” That deadline has not been complied with.

4. From this history, the following indisputable facts of relevance to the Application are readily apparent:

- a. The Applicant has never lived in the Barn. The decision to live in the Caravan was not therefore borne out of necessity of the Barn becoming uninhabitable due to conversion works (or anything else) but was instead a deliberate and conscious choice;
- b. Despite gaining numerous prior approval consents, no works have ever been undertaken to convert the Barn to a dwellinghouse;
- c. The Caravan and associated building work have been on Site for over 10 years and have only had planning permission for 6 of those;
- d. If the Application is granted the Caravan and associated building works will have been on Site for over 14 years; and
- e. The current continued presence of the Caravan and associated building works on the Site is a breach of planning control.

5. The Planning Practice Guidance at Paragraph: 014 Reference ID: 21a-014-20140306 states:

“It will rarely be justifiable to grant a second temporary permission (except in cases where changing circumstances provide a clear rationale, such as temporary classrooms and other school facilities). Further permissions can normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning permission will then be granted permanently.”

6. The correct interpretation of planning policy, including the PPG, is a matter of law whereas its application is a matter of planning judgment; Mead Realisations Ltd v Secretary of State for Housing, Communities and Local Government & Anor [2025]

EWCA Civ 32. The meaning of this passage of the PPG is not complicated; it means exactly what it says and it does not support a grant of permission for the Application on any fair reading of the paragraph:

- a. The grant of a second temporary permission will be rare; rare means exactly that - it is something highly unusual or scarce. Here the Application is not for a second temporary permission but a third temporary permission and so logically the circumstances where such a third temporary consent will be justifiable are rarer than rare;
 - b. For the position to be rare there needs to have been a change in circumstances. The evidence supporting the Application identifies no change in circumstances;
 - c. The examples given for where the justification for a further temporary consent may arise relates to schools, a development that would benefit a particular class of people (school children) and also benefit the public at large. The Development is solely for the benefit of the occupier of the Caravan; and
 - d. Further applications can “normally” be refused. The normal course of action for this third application would for it to be refused. There is clear justification for refusing the Application as the Council has already found that the presence of the Development on the Site is harmful and contrary to policy.
7. The problem with the Applicant’s case is that whilst they have repeatedly claimed the retention of the caravan is necessary whilst works are carried out pursuant to prior approval consents, they have literally never undertaken any works pursuant to such a consent which belies the credibility of their argument. The 2024 application for the demolition of the Barn and the way the Applicant put their case, suggest that what their actual intentions are is to use the prior approval regime as a mechanism to secure a free standing planning permission for a brand new building on the Site.
8. When considering whether any existing consent for the Barn is a fall-back the Council are required to consider whether there is a real prospect of it coming forward; R. v Secretary of State for the Environment Ex p. Ahern [1998] Env. L.R. 189. If there is not a real prospect of it coming forward then it is not a fall-back as a matter of law. Here the history of no work being carried out to the Barn to convert it supports the argument that there is not a real prospect of the prior approval scheme being built out.

9. Even if the Council considers that there is an extant prior approval and that this is a fall-back, that does not mean planning permission for the Application should be granted. The test contained in the PPG must still be applied and given the length of time the Development has already been on the Site it is difficult to understand how it could still be claimed to be a temporary development.
10. The sense check in this situation is to consider – can something that has been in situ for over 10 years to allegedly facilitate building works that have never started, genuinely be described as temporary? It has hard to envisage how that question can sensibly be answered yes.
11. Whilst all matters of planning judgment are for the decision maker, in my opinion, if the Council were to refuse the Application they would have a strong prospect of success were it to be appealed. It would be for the Appellant to make a case why a decision should be made other than in accordance with the clear guidance contained in the PPG.
12. In the event the Council grant planning permission I confirm I am content to review the decision and advise on the prospects of successfully bringing a judicial review of the decision. Given the clear guidance in the PPG, if the Council were to grant planning permission there is obvious scope for them to have fallen into legal error.

FREDDIE HUMPHREYS

10th June 2026

Kings Chambers

Manchester – Leeds – Birmingham – London