Planning Received
21 JAN 2025
Name:
Ref: DC/25/0009

Horsham District Council

Lawful Development Questionnaire

Application No: DC/25/0009
Applicant: N/A
Description of Activity: Application to confirm the the laying of a private access track and associated storage area on a date four years previous (Lawful Development Certificate - Existing).
Site Address: Land Which Forms Part of Mannings Heath Golf Club & Wine Estate, Hammerpond Road, Mannings Heath

Your Name and Address: [redacted]
ABERFOYLE, 9 THE QUARRIES
MANNINGS HEATH
WEST SUSSEX RH13 6SW

Information being requested – Please answer the following questions as fully as you can. Any information you can provide is important. Thank you.

1. Do you know the site and if so from about what date and how? e.g. because you are a neighbour or have been there or seen activity etc.

YES, I HAVE BEEN WALKING THE PUBLIC FOOTPATH SINCE 1990 AND I HAVE SEEN ALL THE ACTIVITY ON THE SITE AND SURROUNDING AREAS

2. Do you know who operates from the site or lives there? If so who?

YES, MANNINGS HEATH GOLF CLUB AND WINE ESTATE

3. Are you aware of the Activity described above and if so from when.
How would you describe what goes on or what is there?
What do you know of the use or development that exists and how do you know? Does it affect you in any way i.e. noise, traffic, views?

YES, I HAVE BEEN AWARE OF THE ACTIVITY SINCE IT STARTED. I HAVE BEEN AWARE OF THE DELIBERATE BREACH OF PLANNING RULES SINCE AUGUST 2021 AS I KNEW THAT THE ACCESS TRACK AND THE NEW VEHICULAR ACCESS AT THE JUNCTION OF HAMMERPOND ROAD WITH THE PUBLIC FOOTPATH DID NOT HAVE PLANNING PERMISSION [redacted] THE UNLAWFUL JUNCTION WITH HAMMERPOND ROAD (VEHICULAR ACCESS) AND THE USE OF THE ACCESS TRACK BY GOLF CLUB VEHICLES HAS CREATED AN UNACCEPTABLE DANGER TO USERS OF THE PUBLIC FOOTPATH. I HAVE HAD TO GO INTO THE ADJACENT UNDERGROWTH TO AVOID A GOLF CLUB VEHICLE

P.T.O.

4.	Would you like to tell the Council anything else that you think the Council ought to be aware of at the Site?

YES., THE ACCESS TRACK HAS DESTROYED PART OF MILL COPSE ANCIENT WOODLAND. HDC's OWN TREE OFFICER HAS OBJECTED TO THE PLANNING APPLICATION BECAUSE OF THE DAMAGE TO THE ANCIENT WOODLAND. WEST SUSSEX COUNTY COUNCIL HIGHWAYS OBJECTED TO PLANNING APPLICATIONS INVOLVING THE JUNCTION WITH HAMMERPOND ROAD BECAUSE ACCEPTABLE VISIBILITY SPLAYS WERE NOT POSSIBLE AT THE JUNCTION

YES, I HAVE SET THESE OUT IN DETAIL IN THE ATTACHED LETTER.

I URGE HDC TO REFUSE THIS APPLICATION AND TO INITIATE ENFORCEMENT ACTION FOR THE DELIBERATE BREACHES OF PLANNING RULES FOR THE REASONS GIVEN ABOVE AND IN THE ATTACHED LETTER

[redacted]

DC/25/0009: Application to confirm the laying of a private access track and associated storage area on a date four years previous (Lawful Development Certificate - Existing)

Land which forms part of Mannings Heath Golf Club and Wine Estate, Hammerpond Road, Mannings Heath

HDC refused planning application DC/24/1564 by letter dated Friday 13 December 2024 and then the applicant submitted a new application DC/25/0009 (form dated 18 December 2024)– only three working days later. I wonder why the applicant has been so hasty? Is it because the applicant is seeking to stop HDC from taking urgent Enforcement Action on a concealed deliberate breach of planning rules?

As the Act quoted by the applicant came into force on 25 April 2024 (see attached note), the applicant had the opportunity to include the information in their previous application DC/24/1564 in October 2024. Why did they not do so?

The applicant alleges that the work on the access track was completed in 2019. The applicant deliberately concealed that the work had been completed for two years as the first enforcement investigation by HDC was initiated on 19 August 2021 which is less than 4 years ago (see attached notes).

As per the Enforcement and Post Permission matters from Gov.uk (attached), the 4 year rule for breaches of planning that were complete before 25 April 2024 do not apply because :-

i. there has been deliberate concealment of a breach of planning control and
ii. the time limits in section 171B of the Act do not engage until the breach has been discovered. As the breach was discovered on 19 August 2021 the 4 year rule allows for enforcement action until 19 August 2025.

The Act also provides for the taking of further enforcement action.

Therefore HDC is well within its rights to continue with enforcement action and to refuse planning application DC/25/0009 given that the applicant deliberately concealed the work and only started to apply for planning permission when the breach was discovered by a member of the public.

Furthermore HDC's arboriculturist has objected due to the damage to the ancient woodland caused by the work. Also there is a serious risk to members of the public using the public right of way from vehicles using the access track.

I urge HDC to refuse planning permission and to institute immediate enforcement action for the reasons given above.

[redacted]

years of previous enforcement action (or purported action) in respect of the same breach. This includes the situation where earlier enforcement action has been taken, within the relevant time limit, but has later proved to be defective, so that a further notice may be issued or served, as the case may be, even though the normal time limit for such action has since expired. It also includes the situation where an enforcement warning notice is issued within the relevant time limit but further enforcement action is subsequently required. This is known as the "second bite" provision

- where there has been deliberate concealment of a breach of planning control, local planning authorities may apply for a planning enforcement order to allow them to take action after the time limits in section 171B have expired

- where a person has deliberately concealed a breach of planning control, the courts have found that in these circumstances, the time limits in section 171B do not engage until the breach has been discovered (see Secretary of State for Communities and Local Government and another v Welwyn Hatfield Borough Council and Bonsall / Jackson v Secretary of State for Communities and Local Government).

Therefore, in cases of deliberate concealment, a local planning authority may decide to serve an enforcement notice 'out of time' or apply for a planning enforcement order. It is for the local planning authority to decide which approach is appropriate in each case.

Paragraph: 004 Reference ID: 17b-004-20180222

Enforcement and post-permission matters - GOV.UK (accessed 18.1.25)

Guidance

Enforcement and post-permission matters

Responding to suspected breaches of planning control.

From:

Ministry of Housing, Communities and Local Government, Ministry of Housing, Communities & Local Government (2018 to 2021) and Department for Levelling Up, Housing and Communities

Published

6 March 2014

Last updated

8 August 2024 — See all updates

What are the time limits for taking enforcement action?

The time limits for taking enforcement action are set out in section 171B of the Town and Country Planning Act 1990 (see also The Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024 for transitional arrangements).

In most cases, development becomes immune from enforcement if no action is taken:

- within 10 years of substantial completion for a breach of planning control consisting of operational development where substantial completion took place on or after 25 April 2024
- within 10 years for an unauthorised change of use to a single dwellinghouse where the change of use took place on or after 25 April 2024
- within 4 years of substantial completion for a breach of planning control consisting of operational development where substantial completion took place before 25 April 2024;
- within 4 years for an unauthorised change of use to a single dwellinghouse where the change of use took place before 25 April 2024
- within 10 years for any other breach of planning control (essentially other changes of use)

However, the time limits set out above do not prevent enforcement action after the relevant dates in certain circumstances. These are:

- section 171B(4)(b) of the Town and Country Planning Act 1990, which provides for the taking of "further" enforcement action in respect of any breach of planning control within 4

Enforcement investigations at this site from HDC website

Retention of access track following refusal of DC/24/1564

Mannings Heath Golf Club Hammerpond Road Mannings Heath Horsham West Sussex RH13 6PG
Ref. No: EN/24/0474 | Received: Fri 13 Dec 2024 | Status: Pending Consideration

- **Alleged: Use of unauthorised track subject of refused application DC/22/1027 and PROW 2822 by vehicular traffic in connection with vineyard tours**

Mannings Heath Golf Club Hammerpond Road Mannings Heath Horsham West Sussex RH13 6PG
Ref. No: EN/24/0015 | Received: Fri 12 Jan 2024 | Status: Case Closed

- **Alleged: construction of unauthorised roadway across agricultural land**

Mannings Heath Golf Club Hammerpond Road Mannings Heath Horsham West Sussex RH13 6PG
Ref. No: EN/21/0401 | Received: Thu 19 Aug 2021 | Status: Case Closed