



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/1116

Brighthams Farm , Bines Road, Partridge Green, West Sussex, RH13 8EQ

DESCRIPTION:

Application to confirm the continuous change of use of the land to residential for the stationing of a caravan (Lawful Development Certificate - Existing).

RELEVANT PLANNING HISTORY:

No relevant planning history.

SITE LOCATION & APPLICATION DESCRIPTION

The application site, Brighthams Farm, sits within the Parish of West Grinstead, located outside of any built-up area boundary and comprises a single caravan. The site is not within a conservation area, statutory listed and there are no Article 4 Directions or applicable enforcement notices covering the site.

PLANNING ASSESSMENT

The application seeks a Certificate of Lawful Development to confirm the continuous change of use of the land to a residential use for the stationing of a caravan, for a period in excess of 10 years, therefore confirming the development has become immune from enforcement action and planning permission is not therefore required.

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

The submitted Planning Statement states that throughout the caravan's presence on the site, it has been occupied as a person's sole or primary residence. Aerial photographs have been submitted to show the caravan in situ, with images dating from 2009 to 2024. The Statement confirms that Kevin Jones resided in the caravan between November 2016 and June 2019, with Lisa Barden then

occupying the caravan from October 2024 to present day. The Statement confirms that during the period between June 2019 and October 2024, the caravan was still occupied, however, those persons have since relocated to Thailand and despite efforts to obtain a statutory declaration from them, this has not been possible. The Statement details that the inability to obtain a declaration from these former occupants should not be interpreted as evidence that the residential use ceased. It further states by stating that the caravan remained on the site throughout this period, as confirmed by the historic aerial photographs, and there is no evidence whatsoever that the residential use was abandoned, discontinued or interrupted. The sworn declarations immediately before and immediately after this period, together with the uninterrupted physical presence of the caravan, provide a logical and compelling chain of evidence demonstrating that the residential use continued throughout.

The following supporting evidence has been supplied:

- Location Plan
- Statutory Declaration – Kevin Jones
The declaration states that Jones resided at the mobile home situated on Brighthams Farm, for the period of 30th November 2016 to 30 June 2019. The Statutory Declaration is signed and witnessed by a Solicitor, dated 19th June 2026.
- Statutory Declaration – Lisa Barden
The declaration states that Barden has resided at the mobile home situated on Brighthams Farm, from October 2024 to present day. The Statutory Declaration is signed and witnessed by a Solicitor, dated 26th May 2026.
- Planning Statement
Contains aerial photographs dating from 2009 to 2024.

Council's Evidence

- HDC Democratic Services and Elections Consultation Response
Confirms no details for Brighthams Farm are held.
- HDC Benefits and Revenues Consultation Response
Confirms Brighthams Farm has been rated in a non-domestic band since 01.04.2017.
- HDC Planning Compliance Response
No comments to make
- Site's Planning History – DC/15/2437
- Lawful Development Questionnaire – Hylands, Bines Road
The respondent confirm that they have known the site since 2008, are aware of the caravan and that somebody resides there but does not know the occupants' details. The respondent states the caravan does not affect them.
- Lawful Development Questionnaire – Brighthams Barn
The respondents confirm they have lived on the farm since 1947, in which the site has been occupied by numerous employees since 1970. The respondents confirm Lisa Barden lives on the site and is employed as a part time farm secretary, having worked for RG Nash & Sons since 1989. They confirm they are aware of the activity, since 1970, and the caravan is occupied by the part time secretary, having this first hand knowledge due to being involved in the business. The respondent states the caravan does not affect them.
- Lawful Development Questionnaire – 1 Brighthams Cottage
The respondent confirm that they have lived at the address for 10 years and have known the caravan has been used as farm workers accommodation for this time. They confirm the farm secretary lives there, are fully aware of the activity, are not affected by it due to it being a caravan to house farm workers.

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 Gabbitts 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".

Assessment of Evidence

The evidence submitted within the submitted Planning Statement, consisting of aerial photographs, demonstrates that physical presence of the caravan on the land since at least 2009. Google Earth Imagery confirms this, showing that the caravan does not appear to move or be altered during this time. However, the caravan's presence does not provide sufficient evidence to demonstrate continuous residential occupation throughout the relevant period.

Statutory Declarations have been provided by both a former occupant, Kevin Jones for the period November 2016 to June 2019, and the current occupant, Lisa Barden, for the period October 2024 to present day. These statutory declarations are signed and witnessed before a Solicitor and is therefore afforded significant weight as evidence. There is, however, a substantial gap, between June 2019 and October 2024. Whilst the applicant contends that the caravan remained occupied throughout this period, no details of the occupants have been provided and no evidence of occupation during this period has been submitted.

The applicant's considers that the inability to obtain statutory declarations from former occupants should not be interpreted as evidence that the residential use ceased, and that the continued presence of the caravan indicates there is no evidence of abandonment, discontinued or interruption of the use. Whilst this is acknowledged, the absence of evidence demonstrating that the caravan was occupied for residential purposes during this period remains a significant limitation.

No details of the occupants, such as names, have been provided. Furthermore, no supporting evidence, such as utility bills, tenancy agreements, correspondence between the occupants and applicants, employment details, or other evidence, has been submitted to support continuous residential occupation. If the caravan was occupied by agricultural workers, no details of the occupants or evidence of their related employment has been provided. Alongside this, no statutory declaration has been provided by the applicant/owner, in which they confirm the residential occupation history of the caravan and associated names/details of the occupants.

Given this significant unaccountable period, the Council is not satisfied, on the balance of probabilities, that the evidence demonstrates that the caravan has been used for residential occupation continuously for a period in excess of ten years prior to the date of this application. Whilst the Council is not in possession of evidence to counter that supplied by the applicant, the evidence provided is not suitably unambiguous and precise enough to justify the granting of the certificate on the balance of probability. 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 caravan has been occupied for purposes of residential accommodation continuously for a period in excess of ten years prior to the date of this application.

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/26/1116

(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	Existing	2509BR_000 REV 000	13.07.2026
Supporting Docs	Statutory Declaration	NONE	13.07.2026
Supporting Docs	Statutory Declaration	NONE	13.07.2026
Supporting Docs	Planning Statement	NONE	13.07.2026

DELEGATED

Case Officer sign/initial Sam Nye Date: 07/09/2026

Authorising Officer sign/initial Tamara Dale Date: 07.09.2026