Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0842
Homelands Farm Stables, Bines Road, Partridge Green, West Sussex, RH13 8EQ

DESCRIPTION:
Application to confirm the continuous use of building as a single dwellinghouse for a period in excess of ten years (Lawful Development Certificate Existing)

RELEVANT PLANNING HISTORY:

DC/23/1850	Erection of farm vehicle/implement store. Demolition of horse walker and relocation and erection of replacement horse walker. Reconfiguration and enlargement of existing manege, relocation of washdown area, associated tracks, and formation of new pond for biodiversity	Application Permitted on 11.03.2024
DC/18/1638	Change of use of land to cross country equestrian training facility with associated jumps and landscaping	Application Permitted on 22.02.2019
DC/12/0742	Erection of tack room, office, client's rest room, changing room and facilities	Application Permitted on 12.10.2012
DC/09/1017	Conversion of disused cart shed to form groom's accommodation, relocation of tack room and store (approved under DC/07/0833) and enhancement of foaling boxes salvaged from the Atcost building to be demolished	Application Permitted on 18.08.2009

DESCRIPTION OF THE SITE

The application site consists of two buildings, the Byre and the Barn. The site lies to the south of a track which connects to Bines Road and appears to be part of the wider site know as Homelands Farm.

PLANNING ASSESSMENT

The evidence supplied by an application for a Certificate of Lawfulness of Development (existing) must be sufficiently precise and unambiguous, on the balance of probabilities, to demonstrate that the building has been used in the manner described for a period in excess of 10 years. As such, in order to determine whether it is immune from enforcement action, the 10-year limitation period needs to be applied pursuant to Section 171B (3) of the Planning and Compensation Act 1991.

Section 191 of the Town and Country Planning Act (as amended by S10(1) of the Planning and Compensation Act 1991) states:

If any person wishes to ascertain whether-

a) any existing use of buildings or other land is lawful,
b) any operations which have been carried out in, on, over or under land are lawful, or
c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.

For the purposes of the 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.

If the local planning authority are provided with the information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted, they shall issue a certificate to that effect. In any other case they shall refuse the application.

Under Section 171B (3) of the Town and Country Planning Act 1990, a lawful development certificate can be granted where there has been a breach of planning control consisting of a breach of a planning condition. No enforcement action may be taken after the end of the period of 10 years beginning with the date of the breach of any given condition of a planning permission.

Paragraph: 006 Reference ID: 17c-006-20140306 of the NPPG states "the applicant is responsible for providing sufficient information to support an application, although a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the planning statues of the land. A local planning authority is entitled to canvass evidence if it so wishes before determining an application. If a local planning authority obtains evidence, this needs to be shared with the applicant who needs to have the opportunity to comment on it and possibly produce counter-evidence".

This certificate of lawfulness application is seeking to demonstrate that the building known as 'The Barn' has been continuously used as a single dwellinghouse for a period in excess of ten years.

Applicant's Evidence
- Location Plan
- Block Plan
- Existing plan and elevations of The Barn
- Statutory Declaration of Ben Leather
- Covering letter

Council's Evidence
- Planning History of the site.
- The Council's Revenue department record of Mr Benjamin Matthew Leathers & Mrs Joanna Margaret Leathers registered as the Council tax payers of Homelands Farm Stables since 1.12.2010
- The Council's Electoral Register Information of Mr Benjamin Matthew Leathers & Mrs Joanna Margaret Leathers registered on the Electoral system at Homelands Farm Stables during the years 2015 until current 2025.
- Planning permission DC/12/0742 for the erection of tack room, office, client's rest room, changing room and facilities.
- EN/17/0174 – Alleged breach of conditions 6 and 8 of DC/12/0742 - Internal alterations were noted as part of the compliance site visit, which included 2no. bedrooms upstairs. It was concluded that these were used by family members and did not require planning permission as they were ancillary to the main house. The compliance site photos show a kitchen/living/dining room, and bedrooms.

This application is a resubmission of a recently partially approved Existing Lawful Development Certificate reference DC/24/1921.The application related to the confirmation of use of two adjoining buildings as a single dwelling with ancillary accommodation on a date four years previous. Also, the use of adjoining land as residential garden for a period in excess of ten years. Additionally, the conversion of the Byre not in accordance with the plans approved by DC/09/1017.

The present certificate before the Council seeks to confirm the use of building marked as 'The Barn' on the submitted plans as a single dwellinghouse, and not both buildings (including The Byre) as previously assessed under DC/24/1921.

The applicant's statutory declaration provides explanation of the use of the building known as 'The Barn'. Previously the LPA drew the following timeline from the applicant's sworn statement.

- November 2010
  The applicant moved into the Byre, which had been converted into groom's accommodation by the previous owner. The appearance and internal layout of the Byre differs from that permitted under application reference DC/09/1017 but has not changed during the Applicant's occupation.

- October 2012
  Permission was granted through DC/12/0742 to erect a building used as a tack room, office, client's rest room, changing room and facilities. The building was constructed over winter 2012/2013 and is known as the Barn.

- *Late Summer 2013*
  The Applicant and their family moved into the Barn, using the two upstairs rooms as bedrooms and ground floor space as an office and lounge. There was already a bathroom and the approved kitchenette was adapted to become a kitchen, with kitchen cabinets, sink, fridge, and microwave. The Applicant asserts that they continued to use the oven and hob in the Byre as one was not installed in the Barn.

  Since the move into the Barn, the bedroom and living room in the Byre has not been used by the Applicant and their family, but has been lived in by grooms that at various times have been employed on the farm. The accommodation is also used for grooms to stay over when there is an early morning start or the need to attend to a sick horse. The grooms have used the kitchen in the Byre, so this space has been shared between the grooms accommodation and the dwelling in the Barn.

The applicant concluded within the Sworn Statement that 'The Barn' has been the sole permanent residence for his family for over 10 years.

The approved plans for the Barn under planning permission reference DC/12/0742, comprised of a visitors mess room/reception area, lockable veterinary and harness room, kitchenette, changing room on the ground floor, and summer storage for winter rugs and office on the first floor. This planning permission was subject of condition 8 which states:

> *"The building hereby permitted shall be used solely for the uses shown on drawing no. HF3-01A Rev E (date stamped 23 August 2012) and not for any other purposes, unless otherwise agreed in writing by the Local Planning Authority by way of a planning application.*
>
> *Reason: To maintain control over the development in the interests of amenity and in accordance with policy DC9 of the Horsham District Council Local Development Framework: General Development Control Policies (2007)."*

This condition limited the use of the building for the purposes as shown on the approved plan. Whilst internal alterations are not considered as "development" however, the change to the accommodation provided within the subject building represents a breach of the planning condition. The relevant enforcement period is therefore 10 years from the date of the application.

Similar to the previous application, there are no specific dates provided for the conversion of the Barn building to accommodate bedrooms, office, lounge, and enlarged kitchen. However, the statutory declaration outlines that the Applicant's family moved into the Barn in late summer 2013. Furthermore, a compliance investigation from 2017 confirmed that the subject building included bedrooms, kitchen, and living area, with accompanying site visit photographs reaffirming this to be the case. As previously concluded, the Council hold no other evidence to contradict the assertion within the statutory declaration that the building was converted for residential accommodation in 2013. Accordingly, on the basis on the information before the Council, the Local Planning Authority is satisfied that, on the balance of probability, the building known as 'The Barn' has been continuously used as a single dwellinghouse for a period in excess of ten years

Conclusion

On the basis of the evidence submitted, the Local Planning Authority is satisfied that, on the balance of probability, the building known as The Barn has been continuously used as a single dwellinghouse for a continuous period in excess of ten years period prior to the submission of the application. Therefore, pursuant to Section 171B(3) Town and Country Planning Act 1990, the application for a Certificate of Lawful use is hereby granted.

Recommendation: Application Permitted

Conditions:

1 It has been demonstrated on the balance of probability that the building known as 'The Barn' labelled on the attached plan, has been used as a single dwellinghouse for a period in excess of 10 years from the date of the 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/25/0842
Schedule of plans/documents **approved**:

Plan Type	**Description**	**Drawing Number**	**Received Date**
Location plan		23_019_PL_00_105 REV 04	21.05.2025
Block plan		23_019_PL_00_105 REV 06	21.05.2025
Elevation & Floor plan	Roof and Section, as existing	23_019 SK1	21.05.2025
Supporting Statement	Statutory Declaration	NONE	21.05.2025
Supporting Statement	Agent Letter	NONE	21.05.2025

DELEGATED

Case Officer sign/initial Halima Chowdhury Date: 10.07.2025

Authorising Officer sign/initial RHERMITAGE Date: 22.07.2025

PLAN

