



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0478

Yew Tree Cottage, Forest Road, Colgate, West Sussex, RH12 4SZ

DESCRIPTION:

Application to confirm the completion of a stable building (Lawful Development Certificate - Existing).

RELEVANT PLANNING HISTORY:

No relevant planning history

SITE LOCATION & APPLICATION DESCRIPTION

The application site, Yew Tree Cottage, is situated approximately 1 mile northeast of Colgate, located within the countryside for policy purposes. The site is accessed via a private track and the building subject of this application, sits to the south of the main dwelling, with an enclosed paddock. The site is not within a conservation area and there are no Article 4 Directions or Enforcement notices applicable to the site.

PLANNING ASSESSMENT

The application seeks a Certificate of Lawful Development to confirm a stable building on the site has been in situ and was substantially completed for a period in excess of 4 years, where 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

- Planning Statement
Contains the following supporting evidence:
 - i. Aerial Photograph dated 01/05/2007
 - ii. Aerial Photograph dated 31/08/2007
 - iii. Aerial Photograph dated 06/06/2013
 - iv. Aerial Photograph dated 26/09/2018

- v. Appendix 1 – Personal letter
- vi. Appendix 2 – Personal email

- Location Plan
- Block Plan
- Existing Elevations, Roof Plan and Floor Plan

Council's Evidence

- HDC Democratic Services and Elections Consultation Response
Current registered voters details confirmed.
- HDC Benefits and Revenues Consultation Response
Property's council tax details confirmed.
- Colgate Parish Council Consultation Response
No comments to make
- Google Earth Images dated from May 2005 to March 2025
- Site's Planning History
- Council's Internal Aerial Images – dated 2018, 2025
- Lawful Development Questionnaire – Shepherds Fields Farm

The applicant details within their Planning Statement that the works undertaken to erect the stable building, were substantially completed, without the benefit of planning permission, in 2007. The building has been used as a stable for the applicant's horses since this time, with the horses exercised within the adjoining paddock. Therefore they contend, that it is immune from enforcement action (and also subject to the 4-year rule for operational development completed prior to April 2024).

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".

The footprint and shape of the building, as shown within the submitted elevation drawings, are consistent with those visible within the available historical aerial imagery. A Google Earth Image, dated May 2005, is the first aerial image which shows construction of the building beginning, with what appears to be a concrete base covering the same footprint as the existing building. No further aerial images showing the building are available until September 2012, in which the building is partially visible, with an enclosing paddock. An image dated June 2012 shows the building again visible and appearing to be completed, which is confirmed in September 2018 image. Whilst the tree canopies to the east are partially covering the building within some of the subsequent aerial images, the building

appears unchanged to present day. This is confirmed through a photo supplied by the applicant, dated December 2025, matching with the 2026 aerial image.

Two further supporting pieces of evidence have been supplied by the applicant, in which the senders of both a letter and email to the applicant, mention both the stable building and the applicant's horses and these are dated in 2008. Whilst a Lawful Development Questionnaire has been returned by the neighbouring property, Shepherdfield Farm, this only mentions that the occupiers are aware of the stable building but does not confirm how long the building has been present.

On the basis of the available information, it has been clearly demonstrated, on the balance of probability, that the stable building has been substantially completed for a period in excess of 4 years prior to the date of this application. It is therefore recommended that a certificate of lawfulness should be granted.

Recommendation: Application Permitted

Conditions:

- 1 It has been demonstrated, on the balance of probability, that the stable building as outlined in red on the attached plan, has been substantially completed for a period in excess of 4 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/26/0478

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents approved:

Plan Type	Description	Drawing Number	Received Date
Roof plan	Existing Roof Plan	YTCR/DD/1.5	18.03.2026
Supporting Statement	Planning Statement	NONE	18.03.2026
Block plan	Block Plan	YTCR/DD/1.1	18.03.2026
Location plan	Site Location Plan	YTCR/DD/1.1	18.03.2026
Floor plan	Existing Floor Plan	YTCR/DD/1.2	18.03.2026
Elevation plan	Existing Elevations (Front and Side)	YTCR/DD/1.3	18.03.2026
Elevation plan	Existing Elevations (Side and Rear)	YTCR/DD/1.4	18.03.2026

DELEGATED

Case Officer sign/initial Sam Nye Date: 12/05/2026

Authorising Officer sign/initial Tamara Dale Date: 13/05/2026

Site Location Plan

