



Supporting Statement

Certificate of Lawfulness for the Existing Use of the
Property Known as Firhaven Barn
First Floor of the Detached Garage
as an Independent Dwelling

at

Firhaven
Rock Road
Storrington
RH20 3AF

On Behalf of

Mr [REDACTED]

Prepared by

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01798 877555

July 2026

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Appendix F – Statutory Declaration for [REDACTED]

Appendix G – Statutory Declaration for [REDACTED]

Appendix H – Rental Agreement for [REDACTED]

1 INTRODUCTION

- 1.1 This report is submitted in support of an application for a Certificate of Lawfulness (Existing Use or Development) under Section 191 of the Town and Country Planning Act 1990 (as amended) for the for the use of the property known as Firhaven Barn, Rock Road, Storrington, West Sussex, RH20 3AF for use as an independent dwelling.
- 1.2 The property known as Firhaven Barn has been used continuously as a self-contained dwellinghouse since 1st March 2020, a period exceeding four years prior to this application.
- 1.3 The operational development associated with the creation of the self-contained residential accommodation within the detached garage at Firhaven, Rock Road was undertaken pursuant to planning permission DC/15/1018, granted on 9 July 2015. The works were substantially completed prior to 24 April 2024 and have remained in situ thereafter. Accordingly, pursuant to Section 171B(1) of the Town and Country Planning Act 1990 (as amended), the operational development is now immune from enforcement action, the former four-year limitation period applying to operational development substantially completed before that date.
- 1.4 The purpose of this statement is to demonstrate, on the balance of probability, that the use of the property as an independent dwelling, together with the associated operational development, has become lawful and is immune from enforcement action.

2 TESTS AND CONSIDERATIONS

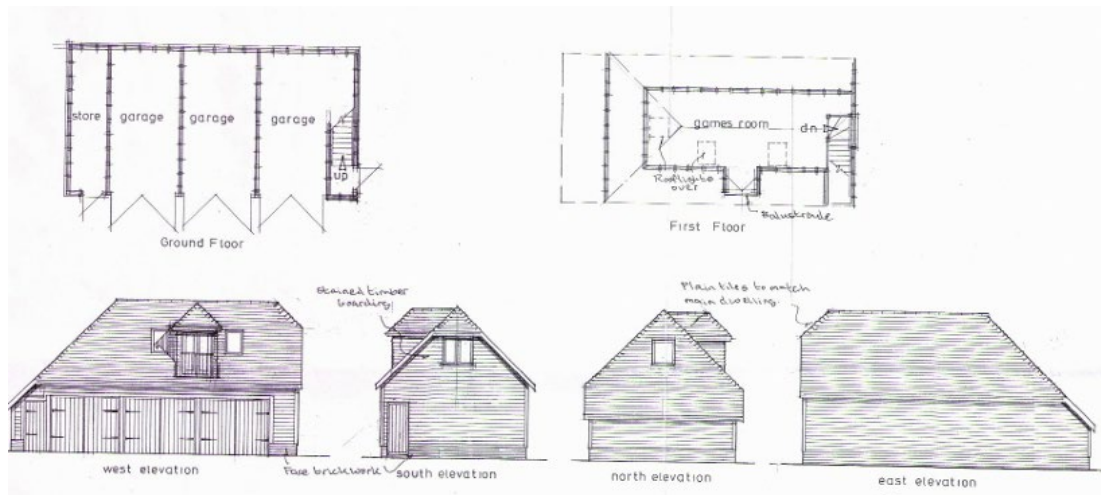
- 2.1 The National Planning Policy Guidance states that it is the applicant's responsibility to provide sufficient information to support a certificate application. In the case of applications for existing use, if a Local Planning Authority has no evidence itself, nor any from others, to contradict or 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.
- 2.2 The Planning and Compensation Act 1991 introduced rolling time limits within which Local Planning Authorities can take planning enforcement action against breaches of planning control. At the time the works were carried out and completed, Section 171B of the Act provided that operational development becomes lawful if no enforcement action is taken within four years of the date on which the development was substantially completed.
- 2.3 Section 191(5) of the Act sets out the information required to be submitted with a Certificate of Lawfulness of existing use or development application, which includes the following:
- a) the land to which it relates;
 - b) a description of the use, operations or other matter in question;
 - c) the reasons for determining the use, operations or other matter to be lawful; and
 - d) the date of the application for the certificate.

This information is provided within this report and application documents.

3 HISTORY OF USE

- 3.1 [REDACTED] owns and occupies the principal dwelling onsite known as Firhaven, Rock Road, Storrington, West Sussex, RH20 3AF.
- 3.2 In 2015 [REDACTED] applied for planning permission for the erection of a detached garage, with games room over and the installation of clear glazed rooflights to side slopes which was approved via planning permission DC/15/1018 on the 9 July 2015.
- 3.3 The approved plans are shown in Figure 3.1.

Figure 3.1 – Approved Plans DC/15/1018



- 3.4 The detached garage is located in the grounds of Firhaven as shown in the site plan in Figure 3.2 and outlined in red.

Figure 3.2 – Site Plan



- 3.5 The garage and the associated internal works, including the installation of a kitchen and bathroom at first-floor level, were completed by **5 March 2018**, as evidenced by the issue of a Final Certificate under Section 51 of the Building Act 1984.

Figure 3.3 – Photos of The Property “Firhaven Barn”



Figure 3.4 – Parking Area and Drive

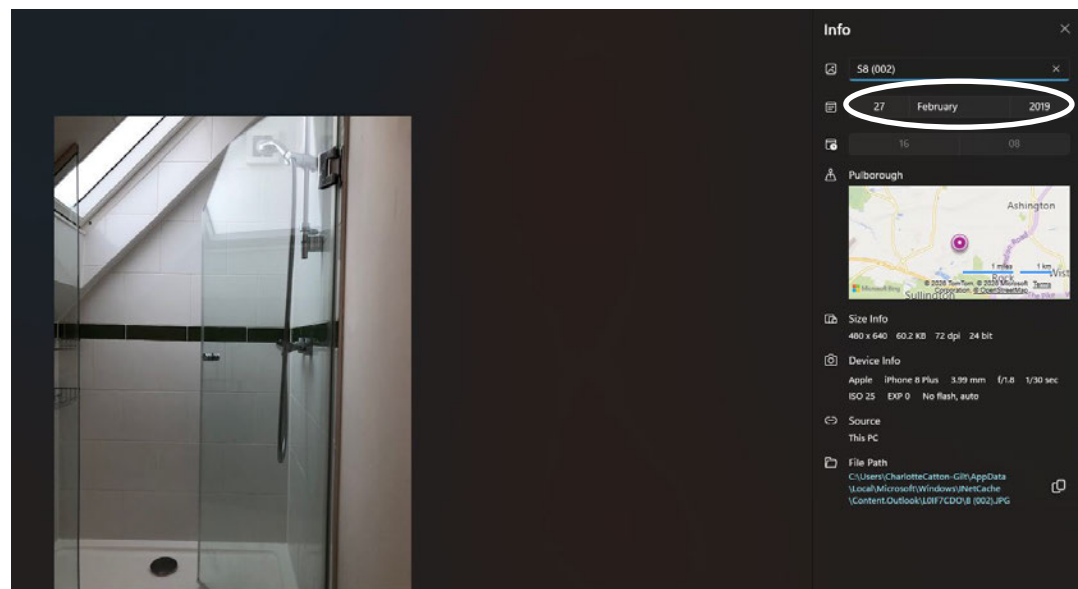
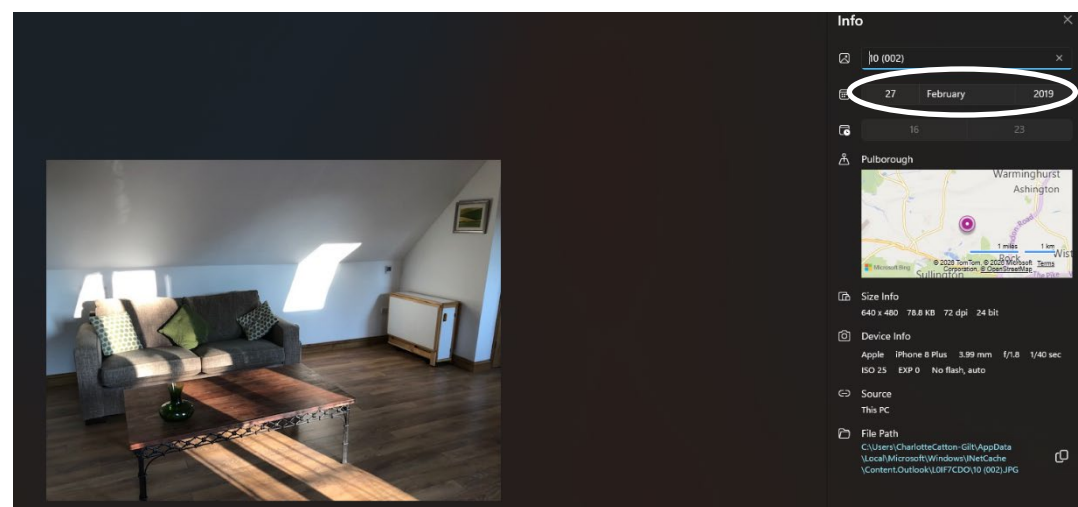
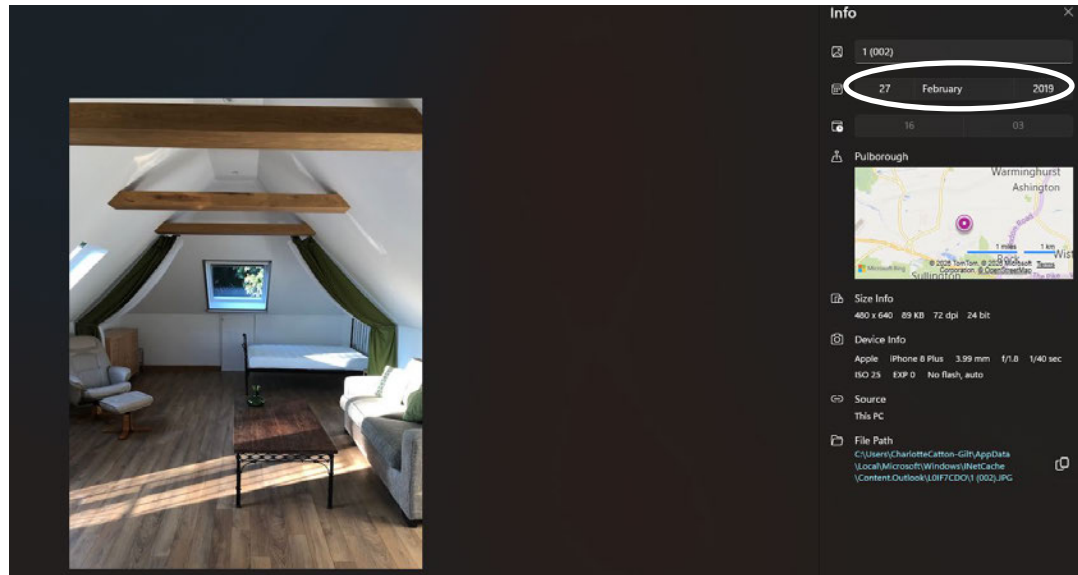


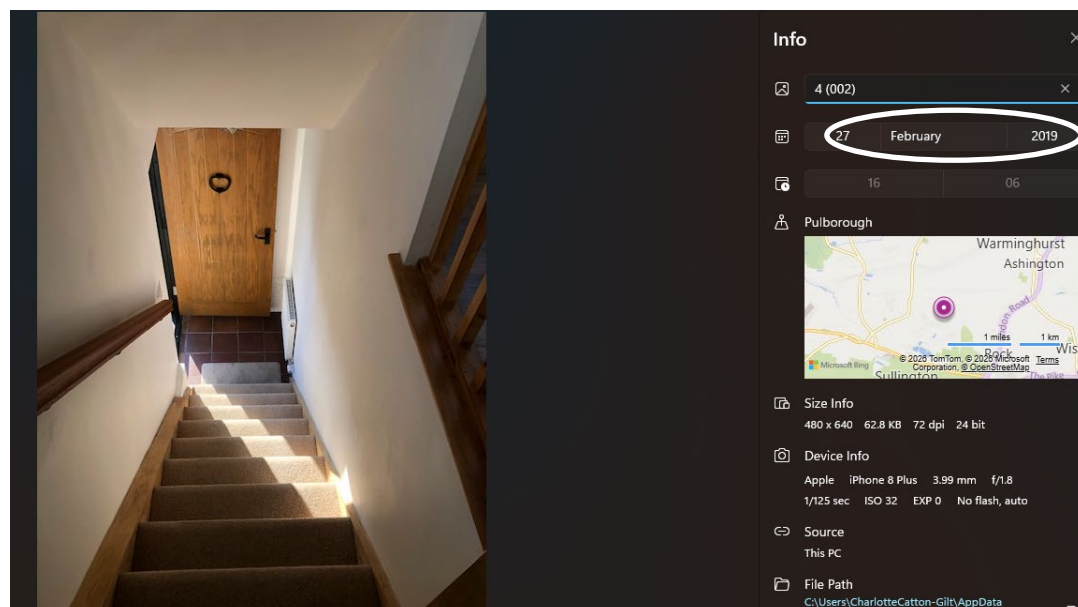
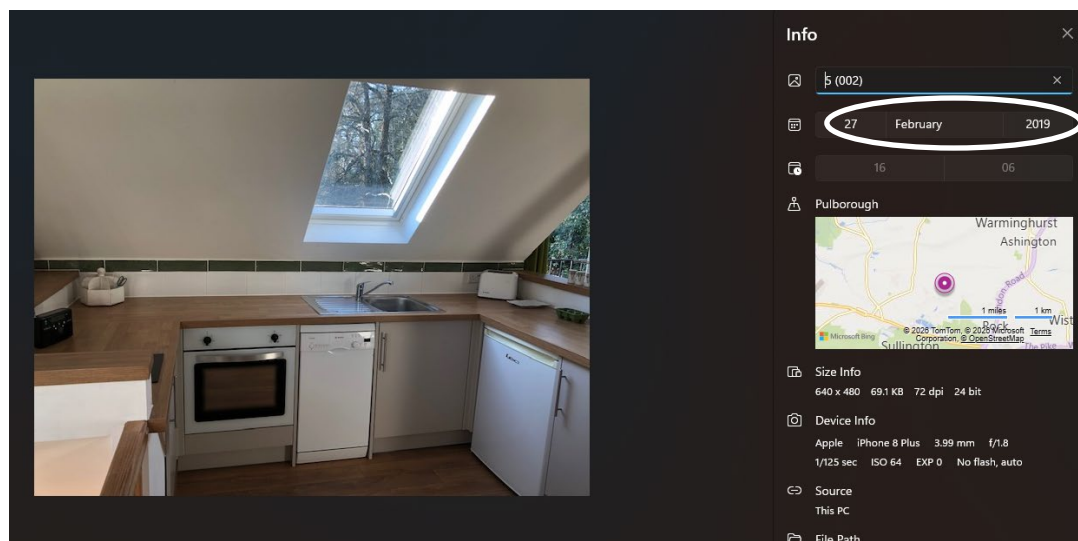
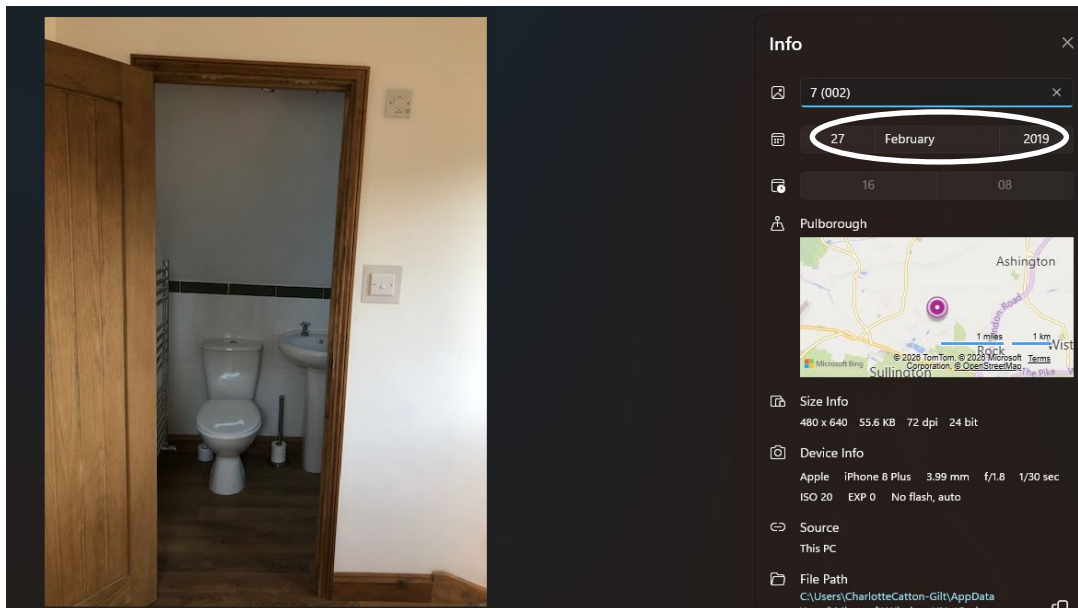
- 3.6 The property contains all the facilities necessary for independent residential occupation, including a fitted kitchen, bathroom, living area and sleeping accommodation. It has its own private entrance and is physically and functionally separate from the principal dwelling.
- 3.7 Since 1 March 2020, the property has been occupied continuously as an independent, self-contained dwellinghouse and has not been used for any other purpose.
- 3.8 The property has been occupied by successive tenants as their sole or principal residence, with each occupier conducting their day-to-day domestic life independently of the principal dwelling.
- 3.9 The occupation has never been incidental or ancillary to the enjoyment of the principal dwelling known as Firhaven. Throughout this period, occupiers have resided under separate tenancy agreements, paid rent directly to the owner, enjoyed exclusive possession of the accommodation, and lived independently of the occupants of the principal dwelling. The accommodation has therefore functioned as a separate planning unit and not as ancillary residential accommodation.
- 3.10 The property benefits from dedicated parking for its occupiers on the driveway immediately adjoining the building.
- 3.11 Throughout their respective periods of occupation, occupiers have had unrestricted use and exclusive possession of the property. They have lived independently of the occupants of the principal dwelling and have not relied upon the main house for any essential residential facilities.

4 SUBMISSIONS AND EVIDENCE

- 4.1 As set out in Section 2, the test to satisfy in relation to certificate applications for existing uses is 'on the balance of probability' provided the applicant's evidence is sufficiently precise and unambiguous.
- 4.2 Attached to this application are signed Statutory Declarations which evidence the historic and existing use of the site as an independent dwelling and include the following:
- [REDACTED] occupied the property as an independent dwelling continuously between the 1 March 2020 and 23 July 2021 and paid rent direct to the owner of Firhaven.
 - [REDACTED] occupied the property as an independent dwelling continuously between the 25 July 2021 to 28 February 2023 and paid rent direct to the owner of Firhaven.
 - [REDACTED] has occupied the property from 1 March 2023 to present day and continues to occupy the property as an independent dwelling and pays rent direct to the owner of Firhaven.
 - [REDACTED], who is employed by the owner of Firhaven as a gardener for the grounds since early 2019, is aware of the property being used and occupied as an independent dwelling.
 - [REDACTED], owner of Firhaven, confirms the use of the site as an independent dwelling continuously since 1 March 2020 to present day and for no other purposes.
- 4.3 Photographs showing the internal facilities within the property to facilitate its use as an independent dwelling dated 27 February 2019 are shown in Figure 4.1.
- 4.4 The internal layout shown in the February 2019 photographs is materially the same as that existing today.

Figure 4.1 – Internal Dated Photos of the Property, 27 February 2019





- 4.5 Horsham District Council's Enforcement Team had emailed the applicant regarding a compliance investigation dated 19 June 2026 regarding the use of the garage building approved under DC/15/1018. No formal enforcement notice has been issued.
- 4.6 As set out in Section 3, at the time the works were carried out and completed Section 171B of the Act provided that operational development becomes lawful if no enforcement action is taken within four years of the date on which the development was substantially completed.
- 4.7 All works associated with the siting and use of the property and any related operational development were completed prior to 24 April 2024. Accordingly, the former four-year rule applies, and the development is now immune from enforcement action. This operational development has been evidenced by the Building Control Notice following the completion of the build of the garage and attached internal photographs of the property dated February 2019.
- 4.8 The first-floor accommodation within the detached garage has, for a continuous period exceeding the relevant statutory immunity period, functioned as a self-contained residential unit. The accommodation contains all facilities necessary for independent day-to-day living, including facilities for sleeping, cooking, washing and living, and has been occupied independently of the principal dwelling.
- 4.9 In determining whether a separate dwellinghouse has been created, the Courts have consistently held that the issue is one of fact and degree. In *Burdle v Secretary of State for the Environment* [1972] 3 All ER 240, it was established that a physically and functionally distinct area may constitute a separate planning unit where it is occupied for a substantially different and unrelated purpose. The accommodation above the detached garage possesses a distinct physical and functional identity and operates independently from the main dwelling.
- 4.10 Whilst *Uttlesford District Council v Secretary of State for the Environment and White* [1991] 2 PLR 76 confirms that self-contained facilities alone do not necessarily create a separate planning unit, the evidence in this case demonstrates that the use has not been merely ancillary to the enjoyment of the principal dwelling. Rather, the

accommodation has been occupied and functioned as a separate residential unit with all the characteristics of a dwellinghouse.

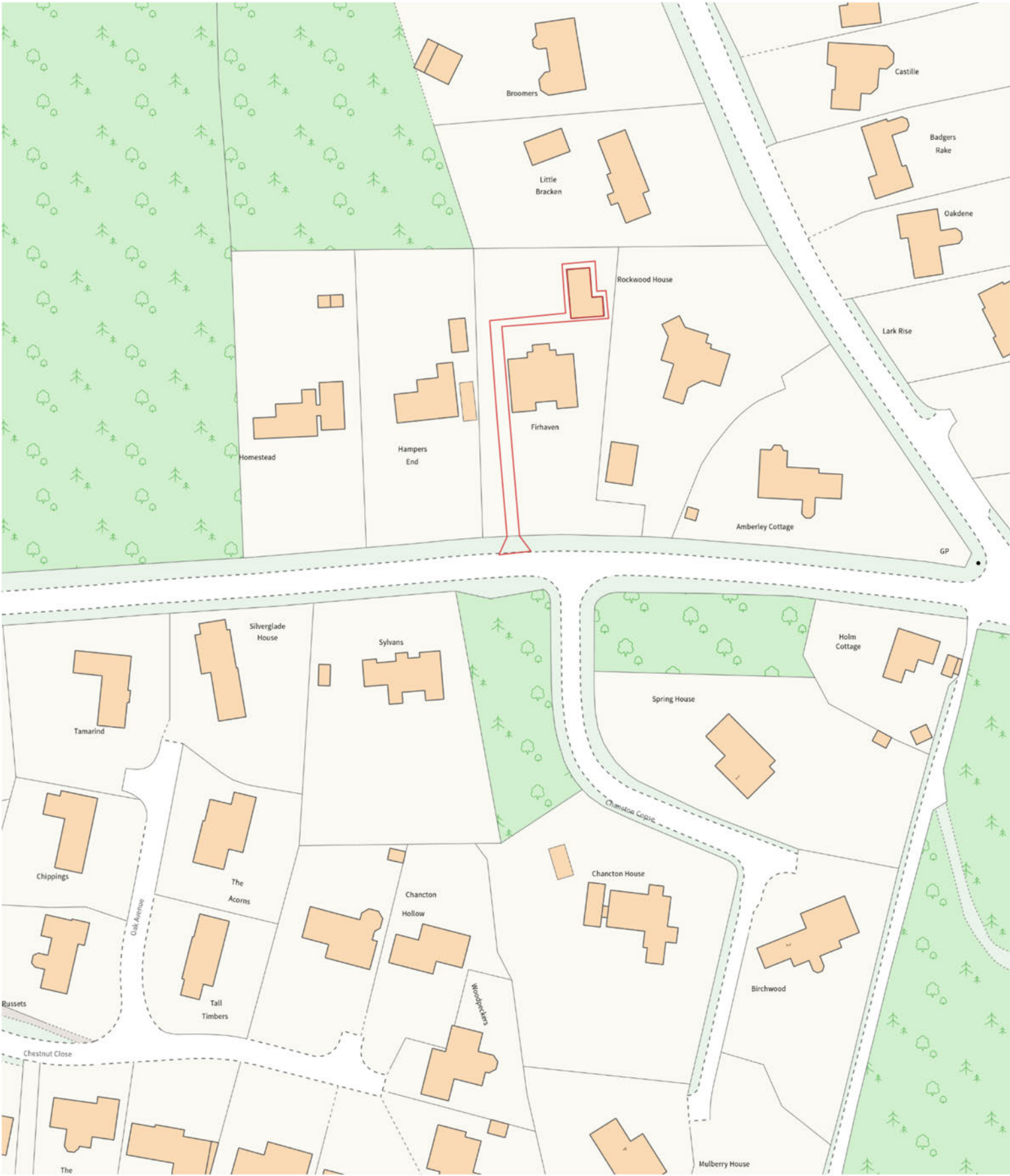
- 4.11 On the balance of probabilities, the first-floor accommodation constitutes a separate planning unit and a self-contained dwellinghouse. The use has subsisted continuously for the requisite period and is therefore lawful.

5 SUMMARY

- 5.1 This statement supports an application for a Certificate of Lawfulness (Existing Use or Development) under Section 191 of the Town and Country Planning Act 1990 in respect of the property known as Firhaven Barn, located within the grounds of Firhaven, Rock Road, Storrington, West Sussex, RH20 3AF
- 5.2 The evidence confirms that the property has been used as an independent dwelling continuously from 1 March 2020 to the present day and by no other means and contains all facilities necessary for the independent residential occupation.
- 5.3 The tenants of the property have exclusive possession of the property and live(d) independently from the occupiers of the main dwelling known as Firhaven.
- 5.4 The building works were substantially completed as evidence in the dated photos since February 2019 and attached build control completion certificate. These works constitute operational development. No enforcement action was taken within four years of completion, and the development is therefore lawful under Section 171B(1) of the Act.
- 5.5 The application is supported by dated photographs, Statutory Declarations and current Tenancy Agreement. Taken together, this evidence is sufficiently precise and unambiguous to demonstrate, on the balance of probability, that the operational development and associated use as an independent dwelling are lawful.
- 5.6 The Certificate of Lawfulness should therefore be granted.

Appendix A – Site Location Plan

Site Location Plan



Appendix B – Statutory Declaration for [REDACTED]

STATUTORY DECLARATION

I, [REDACTED] of Firhaven, Rock Road, Storrington, RH20 3AF, DO SOLEMNLY AND SINCERELY DECLARE as follows:

1. I make this declaration from my own personal knowledge in support of an application for a Certificate of Lawfulness relating to the independent dwelling known as Firhaven Barn ("the property") which is located above the detached garage situated within the grounds of Firhaven, Rock Road, Storrington, RH20 3AF.
2. I am the owner and occupier of Firhaven, Rock Road, Storrington, RH20 3AF.
3. Since 1st March 2020, the property known as Firhaven Barn has been occupied and rented out as a private independent dwelling by the following:
 - a. [REDACTED] from 1st March 2020 until 23rd July 2021
 - b. [REDACTED] from 25th July 2021 to 28th February 2023
 - c. [REDACTED] from 1st March 2023 to present day and continues to occupy the property
4. Between 23rd July 2021 and 25th July 2021, the property was temporarily vacant whilst redecoration and minor repairs were undertaken between occupancies.
5. The property contains all facilities necessary for independent residential occupation, including a fitted kitchen, bathroom, living area and sleeping accommodation. The tenants have not relied upon the main dwelling known as Firhaven for any essential residential or domestic facilities.
6. Since 1st March 2020, the property has been used continuously as a self-contained dwellinghouse and has not been used for any other purpose.
7. The occupiers had exclusive possession of the property and lived independently from the occupiers of the main dwelling known as Firhaven.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835.

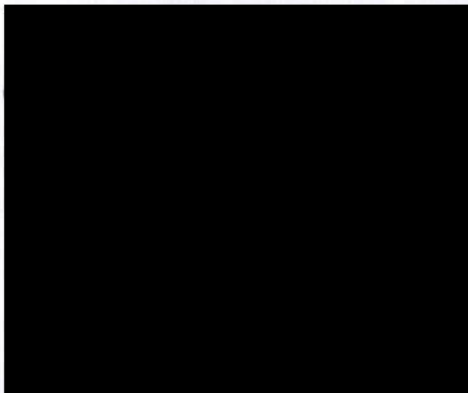
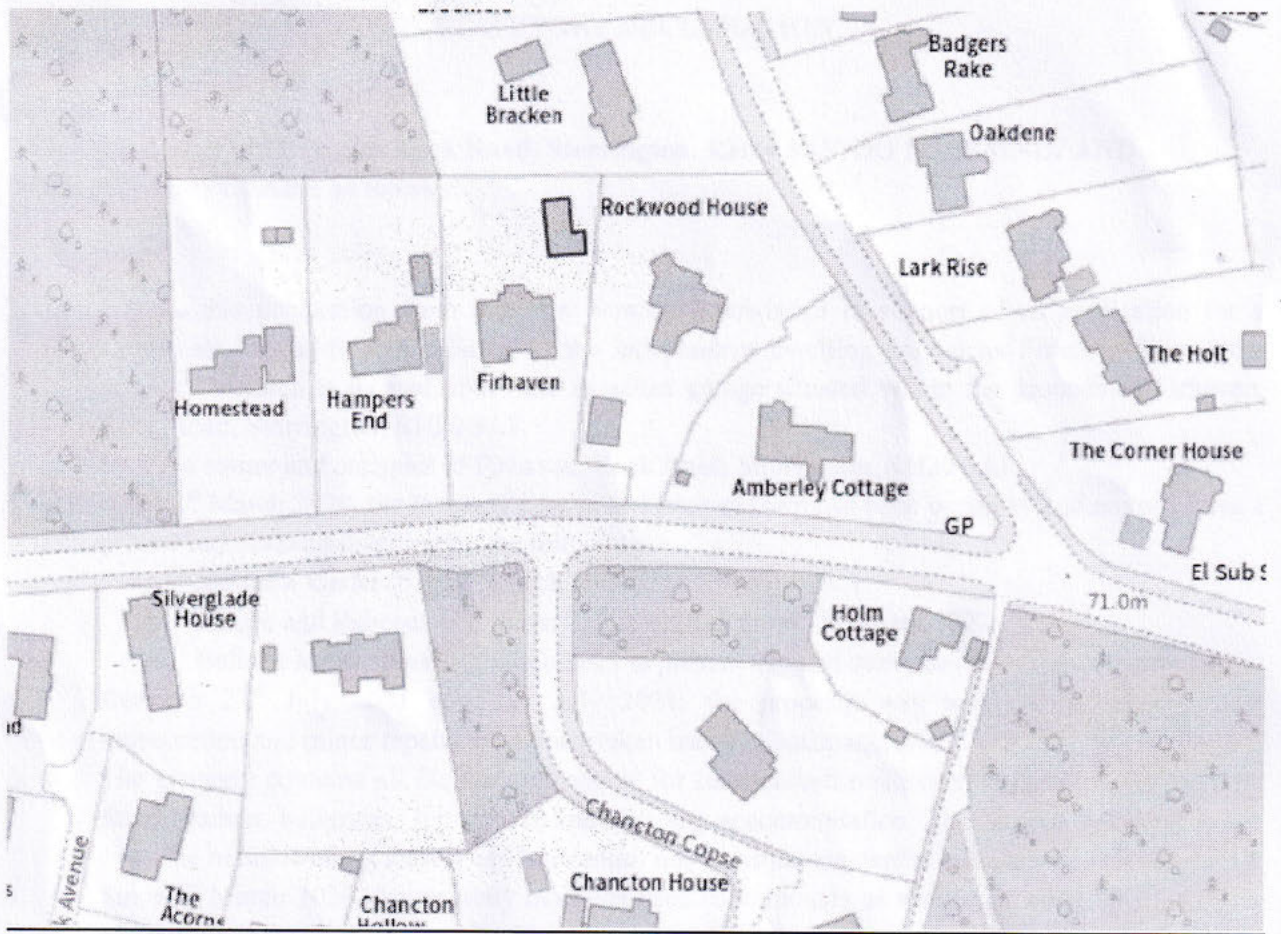
Declared at: 24-26 High Street, Storrington, Pulborough RH20 4DU
21/7/2026

Date:

Signature:

Before me (S.....

Site Plan Showing Location of Firhaven Barn ("the property")



2/7/26...



Appendix C – Statutory Declaration for [REDACTED]

STATUTORY DECLARATION

I, [REDACTED]

DO SOLEMNLY AND SINCERELY DECLARE as follows:

1. I make this declaration from my own personal knowledge in support of an application for a Certificate of Lawfulness relating to the independent dwelling, known as Firhaven Barn ("the property") which is located above the detached garage situated within the grounds of Firhaven, Rock Road, Storrington, RH20 3AF.
2. I am the gardener for the owner of Firhaven, Rock Road, Storrington, RH20 3AF, Mr [REDACTED] and have been since early 2019 to the date of this statutory declaration and attend to the grounds of Firhaven regularly during this period.
3. Through my regular attendance at Firhaven in the course of my gardening duties, I have observed the Property being occupied as a separate dwelling by tenants since March 2020 and, to the best of my knowledge, that occupation has continued without material interruption.
4. I have personally visited the property and observed that it contains a self-contained kitchen, bathroom/WC, living accommodation and sleeping accommodation sufficient for independent residential occupation. To my knowledge, the occupiers have not relied upon the main dwelling known as Firhaven for any essential residential or domestic facilities.
5. I can confirm that the occupiers have had exclusive possession of the Property throughout their occupation and have lived independently from the occupiers of the main dwelling known as Firhaven.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835.

Declared at: 24-26 High Street
Storrington, RH20 4DU

Date: 6-7-20

Signature: [REDACTED]

Before me (Solicitor): .. [REDACTED]

Commissioner for Oaths

[REDACTED]

Site Plan Showing Location of Firhaven Barn ("the property")



Appendix D – Statutory Declaration for

STATUTORY DECLARATION

I, [REDACTED] DO SOLEMNLY AND
SINCERELY DECLARE as follows:

1. I make this declaration from my own personal knowledge in support of an application for a Certificate of Lawfulness relating to the independent dwelling known as Firhaven Barn ("the property") which is located above the detached garage situated within the grounds of Firhaven, Rock Road, Storrington, RH20 3AF.
2. I can confirm that the building known as Firhaven Barn, identified edged red on the attached plan, has been used as a self-contained and independent residential dwelling since 1st March 2020. The property has separate living accommodation and has been occupied independently from the main dwelling known as Firhaven.
3. I resided continuously at Firhaven Barn between 1st March 2020 and 23rd July 2021 as my sole and principal residence before relocating to Bali, Indonesia.
4. During my occupation, the property contained all facilities necessary for independent residential occupation, including a fitted kitchen, bathroom facilities, living space and sleeping accommodation. I was not reliant on the main dwelling for any essential domestic facilities.
5. During my occupation I prepared and consumed my meals within the property, carried out all normal day-to-day domestic activities and received visitors there.
6. I paid [REDACTED] per month towards the running costs of the property by way of a peppercorn rent. At no time during my occupation was the property used for any purpose other than as an independent dwelling.

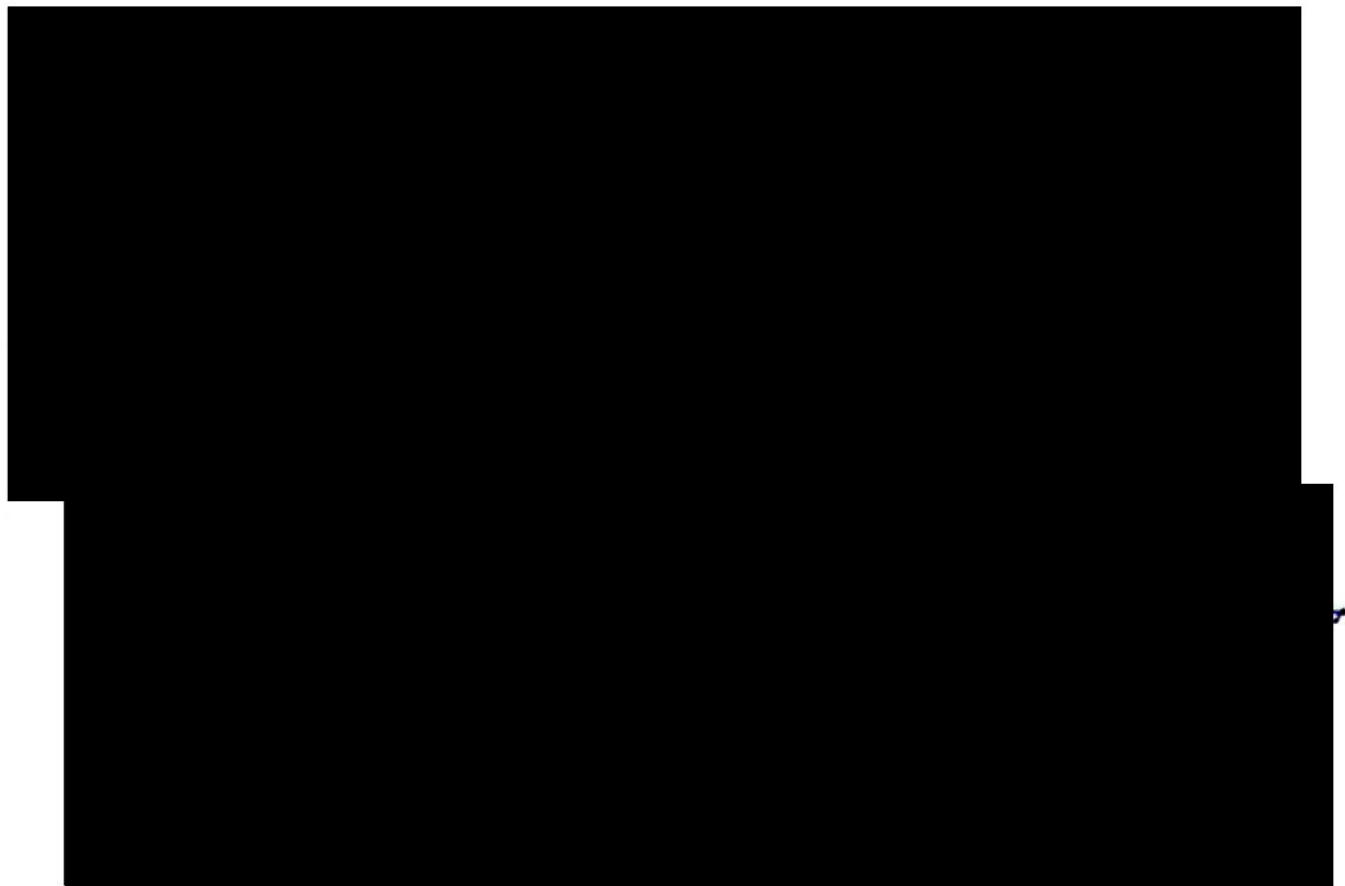
AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835.

Declared at: Tabanan

Date: 02/07/26

Signature: [REDACTED]

[REDACTED]



Site Plan Showing Location of Firhaven Barn ("the property")



Appendix E – Statutory Declaration for

STATUTORY DECLARATION

I, [REDACTED], DO SOLEMNLY AND SINCERELY DECLARE as follows:

1. I make this declaration from my own personal knowledge in support of an application for a Certificate of Lawfulness relating to the independent dwelling known as Firhaven Barn ("the property") which is located above the detached garage situated within the grounds of Firhaven, Rock Road, Storrington, RH20 3AF.
2. I can confirm that the building known as Firhaven Barn, identified edged red on the attached plan, has been used as a self-contained and independent residential dwelling since March 2020. The property has separate living accommodation and has been occupied independently from the main dwelling known as Firhaven.
3. I resided continuously at Firhaven Barn between 25th July 2021 to 28th February 2023 with my husband [REDACTED] as our sole and principal residence whilst we were awaiting the purchase of a property since relocating back to the UK from the United States of America.
4. During our occupation, the property contained all facilities necessary for independent residential occupation, including a fitted kitchen, bathroom facilities, living space and sleeping accommodation. We were not reliant on the main dwelling for any essential domestic facilities.
5. During our occupation we prepared and consumed all our meals within the property, carried out all normal day-to-day domestic activities and received visitors there.
6. We paid £[REDACTED] per month towards the running costs of the property by way of a peppercorn rent. At no time during our occupation was the property used for any purpose other than as an independent dwelling.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835.

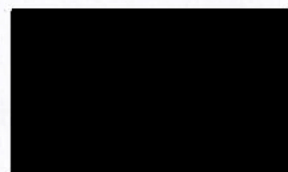
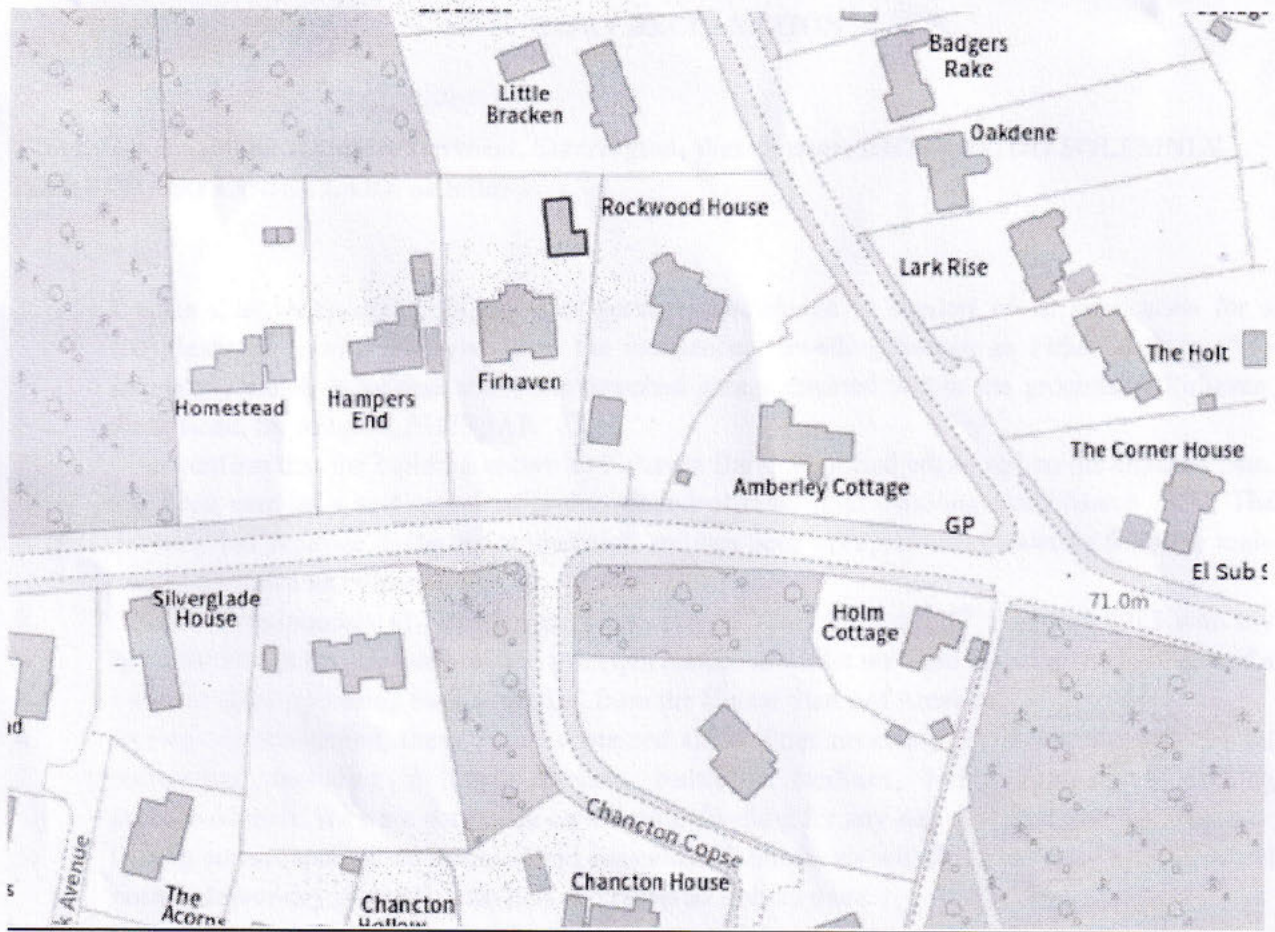
Declared at: 24-26 High Street, Storrington, Pulborough, RH20 4DU

Date: 3/7/2026

Signature: ...

Before me (S

Site Plan Showing Location of Firhaven Barn ("the property")



Appendix F – Statutory Declaration for

STATUTORY DECLARATION

I, [REDACTED] DO SOLEMNLY AND SINCERELY DECLARE as follows:

1. I make this declaration from my own personal knowledge in support of an application for a Certificate of Lawfulness relating to the independent dwelling known as Firhaven Barn ("the property") which is located above the detached garage situated within the grounds of Firhaven, Rock Road, Storrington, RH20 3AF.
2. I can confirm that the building known as Firhaven Barn, identified edged red on the attached plan, has been used as a self-contained and independent residential dwelling since March 2020. The property has separate living accommodation and has been occupied independently from the main dwelling known as Firhaven.
3. I resided continuously at Firhaven Barn between 25th July 2021 to 28th February 2023 with my wife [REDACTED] as our sole and principal residence whilst we were awaiting the purchase of a property since relocating back to the UK from the United States of America.
4. During our occupation, the property contained all facilities necessary for independent residential occupation, including a fitted kitchen, bathroom facilities, living space and sleeping accommodation. We were not reliant on the main dwelling for any essential domestic facilities.
5. During our occupation we prepared and consumed all our meals within the property, carried out all normal day-to-day domestic activities and received visitors there.
6. We paid £[REDACTED] per month towards the running costs of the property by way of a peppercorn rent. At no time during our occupation was the property used for any purpose other than as an independent dwelling.

AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835.

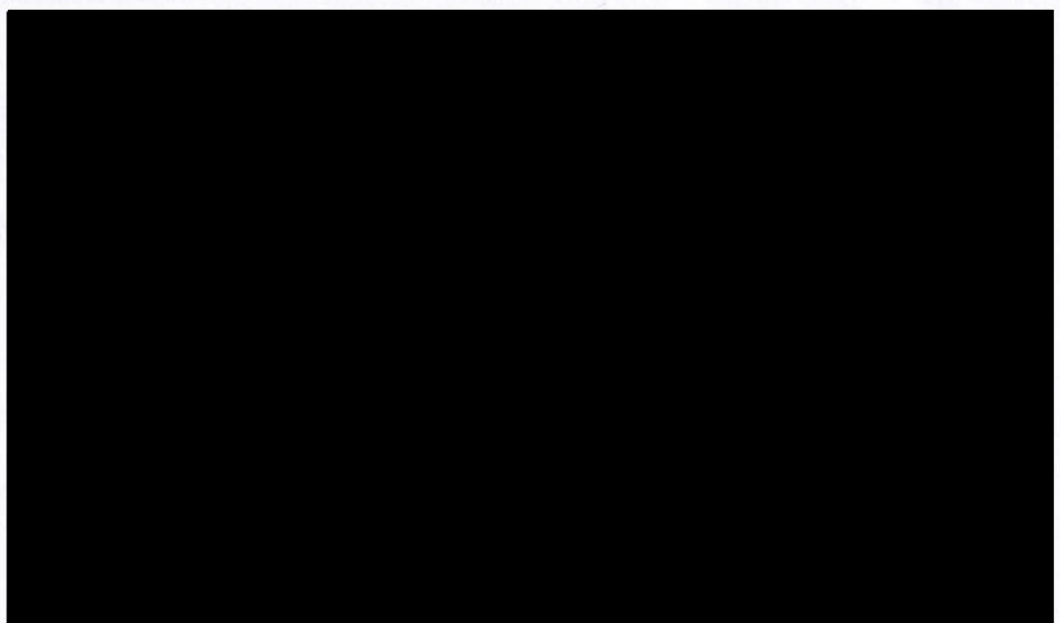
Declared at: 24-26 High Street, Storrington, RH20 4DU
31/7/2026

Date:

Signature:

Before me (So

Site Plan Showing Location of Firhaven Barn ("the property")



Appendix G – Statutory Declaration for

STATUTORY DECLARATION

I, [REDACTED] of Firhaven Barn, Rock Road, Storrington, RH20 3AF, DO SOLEMNLY AND SINCERELY DECLARE as follows:

1. I make this declaration from my own personal knowledge in support of an application for a Certificate of Lawfulness relating to the independent dwelling known as Firhaven Barn ("the property") which is located above the detached garage situated within the grounds of Firhaven, Rock Road, Storrington, RH20 3AF.
2. Since I commenced occupation of Firhaven Barn on 1 March 2023, the property has been used as a self-contained and independent residential dwelling. The property has separate living accommodation and has been occupied independently from the main dwelling known as Firhaven.
3. I have resided continuously at Firhaven Barn since 1 March 2023 and it has been my sole and principal residence throughout that period.
4. The property contains all facilities necessary for independent residential occupation, including a fitted kitchen, bathroom, living area and sleeping accommodation. I am not reliant upon the main dwelling known as Firhaven for any essential residential or domestic facilities
5. Throughout my occupation of the property I have prepared and consumed my meals within the property, carried out all normal day-to-day domestic activities there and received and continue to receive visitors there.
6. Since commencing my occupation of the property on 1 March 2023, I have occupied the property pursuant to a written tenancy agreement with my landlord, Mr [REDACTED] who is the owner of Firhaven. I pay rent directly to my landlord on a monthly basis.
7. At all times during my occupation, Firhaven Barn has functioned as a separate and self-contained dwelling. I have lived independently of the occupants of the main dwelling and have not relied upon the main dwelling for cooking, washing, sleeping or any other essential residential activities.

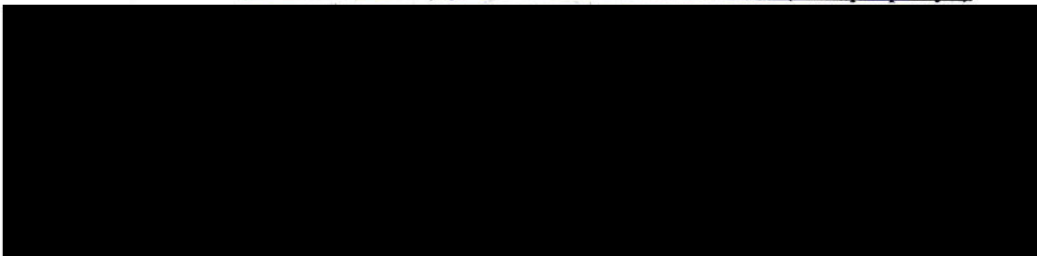
AND I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835.

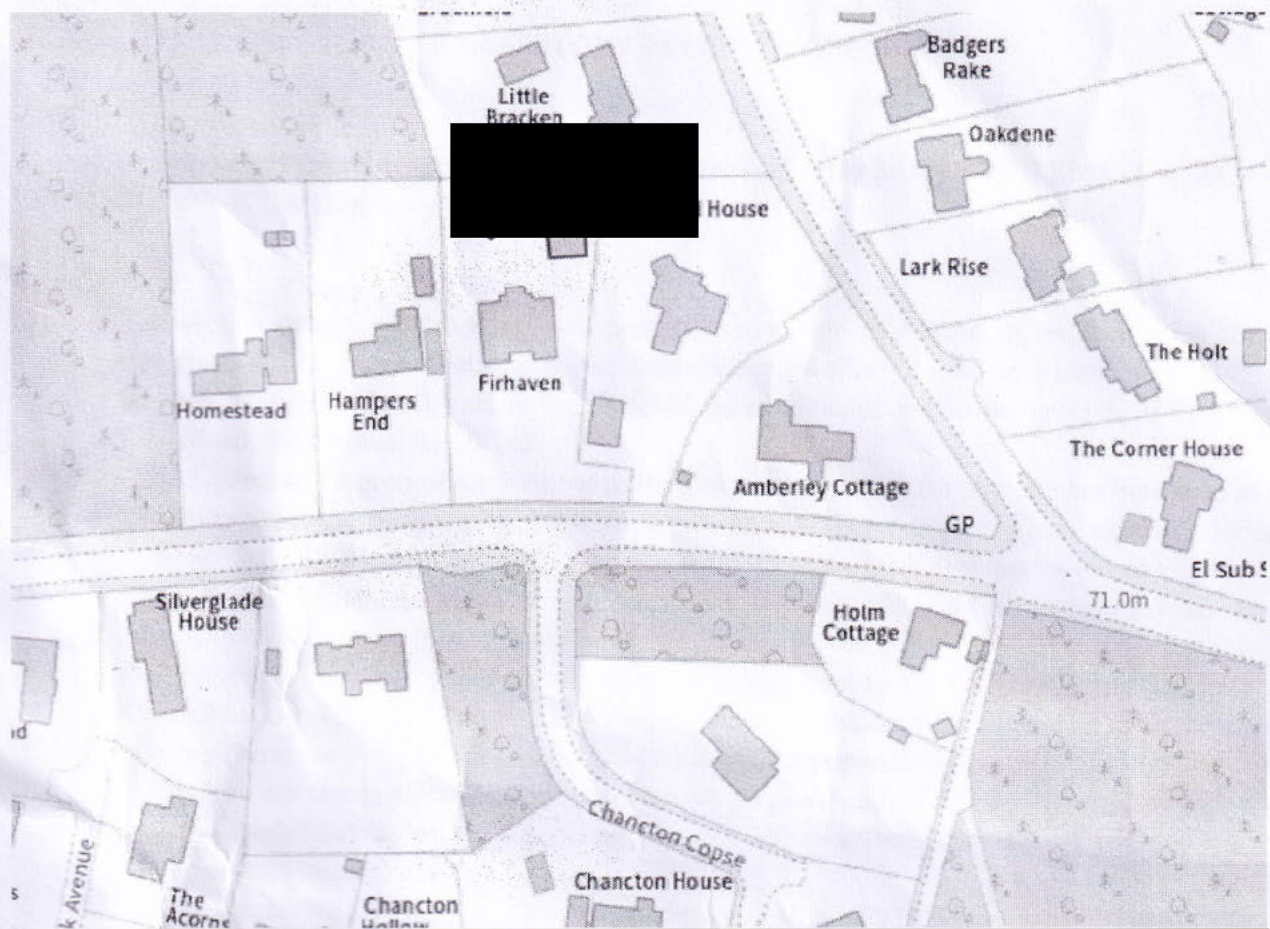
Declared at: 26 High Street
Storrington RH20 4DU
Date: 6-7-2026

Signature: [REDACTED]

Before me (Solicitor): Commissioner Oath 5

Site Plan Showing Location of Firhaven Barn ("the property")





Appendix H – Rental Agreement for [REDACTED]

The Particulars

THIS AGREEMENT IS MADE BETWEEN:

Landlord

Full name: [REDACTED]

Company: (if applicable) _____

Address: FIRHAVEN, ROCK ROAD

STORRINGTON, PULBOROUGH

WEST SUSSEX

Postcode: RH20 3AF

Telephone Daytime: [REDACTED] Evening: _____

Email: [REDACTED]

Notices: In accordance with Sections 47 and 48 of the Landlord & Tenant Act 1987, the Landlord's name and address in England and Wales at which Notices (including Notices of Proceedings) may be served on the Landlord by the Tenant are:

Name: [REDACTED]

Address: AS ABOVE.

Postcode: _____

AND Tenant* (See Note)

Lead Tenant: [REDACTED]

Tenant 2: ✓

Tenant 3: ✓

Tenant 4: ✓

AND IS MADE IN RELATION TO THE PROPERTY AT:

Address: FIRHAVEN, ROCK ROAD,

STORRINGTON, PULBOROUGH

WEST SUSSEX

Postcode: RH20 3AF

Being part of the **Building** known as: THE BARN.

Together with the **Contents** as specified in the **Inventory** dated: _____

With the use of the following **Shared Facilities**: GARDEN + GARAGE +
SMALL SUMMER HOUSE.

Garden: With use of the **Garden** located: BY BARN DOOR.

Parking: With use of: (tick as applicable) parking space ☒ garage ☒

located: BY GARAGE

The Particulars

THE MAIN TERMS OF THE AGREEMENT ARE:

Number of permitted occupiers

The maximum number of people permitted to occupy the Property is: ONE

Term

A FIXED TERM of 6 months commencing on and including (start date) 1/3/23 to and including (end date) 31-8-23

Rent

The total rent payable per (week/month) MONTH is

payable (weekly/monthly) MONTHLY in advance in the following instalments.

The first payment is to be £ [REDACTED] in cleared funds on the signing of this Agreement and thereafter

the sum of (rent) £ [REDACTED] should be paid on the (insert no.) 1st day of each (week/month) MONTH.

by: (tick as applicable) cheque ☐ direct debit ☐ standing order ☐ cash ☒

commencing on (insert date when 2nd rent payment due) _____

Utility, Council Tax and Charges for Services (tick as appropriate)

Water charges: Included ☒ Excluded ☐

Council Tax (or similar charge which replaces it): Included ☒ Excluded ☐

Gas: Included ☒ Excluded ☐

Electricity: Included ☒ Excluded ☐

Television licence: Included ☒ Excluded ☐

Telephone: Included ☒ Excluded ☐

Broadband: Included ☒ Excluded ☐

Other: (please state) _____ Included ☐ Excluded ☐

Deposit (tick as applicable)

☐ A Deposit of £ [REDACTED] funds on the signing of this Agreement and is held under the terms of an authorised tenancy deposit scheme (as per Clause 5 of this Agreement) the details of which will be made available to the Tenant by the Landlord within 14 days of receiving the Deposit.

☐ No Deposit will be taken.

***Note:** All Tenants will be jointly and severally liable for the Tenant's obligations contained within this Agreement. In the event of nonpayment of Rent and/or other breach of the Agreement, any individual Tenant or group of Tenants may be pursued. This means that legal action may be brought against any one or any group of the Tenants. Notice to leave by any individual Tenant will also end the tenancy for all Tenants. The group of Tenants shall be known collectively as 'The Tenant' throughout this Agreement.