Horsham District Council

DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:
DC/25/0850
Peters Farm Cottage, Orltons Lane, Rusper, West Sussex, RH12 4RN

DESCRIPTION:
Application to confirm the continuous use of building as a dwellinghouse on a date four years previous (Lawful Development Certificate - Existing)

RELEVANT PLANNING HISTORY:

RS/9/70	Conversion of existing vacant barn into service cottage or for occupation by owners family.	Application Permitted on 19.05.1970

SITE LOCATION

The application site comprises a two-storey converted barn, situated on Peters Farm, which is surrounded by open countryside and outside of the built-up area boundary. The site is not within a conservation area, and there are no Article 4 Directions covering the site.

PLANNING ASSESSMENT

The application seeks a Certificate of Lawful Development to confirm the building, known as Peters Farm Cottage, has been used as a dwellinghouse on a date four years previous.

Section 191(4) of the Town and Country Planning Act 1990 state 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 Gabbitas 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".

Applicant's Evidence

- Location Plan
- Deeds of Surrender
- A Supporting Statement containing the following:
  1) Planning history of the building
  2) Appendix 1 - Photographs of Peter's Farm Cottage

3) Appendix 2 - Council Tax Statements from March 2020 to March 2025
4) Appendix 3 - Electoral Register Information
5) West Sussex County Council – West Sussex Record Office correspondence
6) Website Screenshot – 192.com
7) Appendix 4 - Deed of Surrender (as detailed above)
8) Appendix 5 – Statutory Declaration and Solicitors' Receipt

Council's Evidence

- Horsham District Council – Revenues Department Consultation Response
- Horsham District Council – Planning Compliance Consultation Response
- Horsham District Council – Democratic Services Consultation Response
- Planning Application RS/9/70

Assessment of Evidence

The applicant details within the Planning History section of the 'Supporting Statement', that Peter's Farm Cottage was converted from an agricultural barn to a dwellinghouse in the late 1960s, restored by the previous owners, but that a review of the planning history of the estate has failed to establish if planning permission was ever secured for this conversion.

Following an internal review of the building's planning history, RS/9/70 was located. This application, permitted on the 19th May 1970, granted planning permission for the *'Conversion of existing vacant barn into service cottage or for occupation by Owners Family'.* The plans, namely the 'Location Plan' and 'Elevations' drawings under this permission, make it clear that this permission relates to Peters Farm Cottage. No agricultural occupancy conditions were attached to this permission. Attached to this record are also documents relating to Building Regulations. One such record, dated 22nd May 1970, shows the building contractor wrote to HDC's Building Control department, giving twenty-four hours' notice that they intended to commence the building works. A further record from the same contractor gave twenty-four hours' notice stating the damp proof membrane within the solid floor had been laid and was awaiting inspection. A Building Regulations Inspection Record Card details two inspections were made, dated 29th May 1970. With this in mind, it is clear that application RS/9/70 was lawfully implemented within the required five-year timescale.

The 'Supporting Statement' details that the building was occupied by the same tenant since the early 1980s, until September 2024, when the tenant moved out to receive elderly care support. As part of this application, the applicant has submitted supporting evidence, summarised below:

Appendix 2 - Council Tax Statements from April 2020 to March 2025
Council Tax Bills, produced by HDC and in the name of the sole occupant, dated from the period of 1st April 2020 to 31st March 2025 are supplied.

Appendix 3 - Electoral Register Information
Whilst this document does not confirm how long the occupant was registered to vote at the address, it does confirm they were registered there in September 2024.

West Sussex County Council – West Sussex Record Office correspondence
This correspondence from the West Sussex Record Office does, however, confirm the time scales for when the occupant was registered to vote at the property. The letter from an Archives Assistant at this office confirms the occupant was registered to vote at this address in 2020-21 and 2021-22. The assistant has advised to contact HDC for more recent register information, as their office had not yet received this information.

Website Screenshot – 192.com
A screenshot from the website 192.com, has given the information that the occupant has been resident at the property for 9 years, using the electoral roll and Land Registry as their source (for the years 2016 to 2024).

Appendix 4 - Deed of Surrender (as detailed above)
This Deed of Surrender, dated 24th September 2024, details that the occupant had been resident in the building since the early 1980s and as such the occupant was asked to voluntarily sign away her tenancy rights, before vacating the premises to receive elderly care support.

Appendix 5 – Statutory Declaration and Solicitors' Receipt
This Statutory Declaration, signed by the owner Peter's Farm Cottage, confirms they purchased the farm estate on 15th May 1973, with the building's conversion taking place in the late 1960s by the previous owners, in which the property has continued to be used as a separate dwellinghouse through the current ownership. The declaration details that the owner's friend moved into the property in the early 1980s and remained until 30th September 2024. The statement goes on to detail how the property has a separate electricity supply, a private sewage treatment plant and a council tax account.

A receipt on behalf of DMH Stallard, for providing a witnessing solicitor's service.

The Council's own evidence confirms, through a consultation response from the Revenues Department, that the property is currently registered for council tax, and the property is marked as being empty, since the vacation of the previous tenant in September 2024. A subsequent verbal consultation confirmed that the property has been registered for council tax since April 1993. The Council's Democratic Services confirms that whilst no one is currently on the electoral register at this property, the same occupant has been registered at the address since at least 2015.

While the planning history confirms that the building had the necessary consents for conversion, and no regulatory conditions were imposed, both the applicant's evidence and the Council's own records support the premise of this application. It is considered that the submitted evidence is sufficiently precise and unambiguous to demonstrate, on the balance of probabilities, that Peter's Farm Cottage has been occupied as an independent residential dwelling for a period in excess of 4 years prior to the date of the application. It is therefore recommended that a certificate of lawfulness should be granted.

Recommendation: Application Permitted

Reason:

1 It has been demonstrated, on the balance of probability, that the building outlined in red on the attached plan has been used as a dwellinghouse for a period in excess of four 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/25/0850
Schedule of plans/documents **approved**:

Plan Type	Description	Drawing Number	Received Date
Location plan	Location Plan	NONE	21.05.2025
Supporting Statement	Supporting Statement	NONE	21.05.2025
Supporting Docs	Deed of Surrender	NONE	21.05.2025
Supporting Docs	Deed of Surrender	NONE	21.05.2025

DELEGATED

Case Officer sign/initial Sam Nye Date: 15/07/2025

Authorising Officer sign/initial RHERMITAGE Date: 15.07.2025

PLAN

