DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/25/1154
Water Perry House, Frylands Lane, Wineham, West Sussex, BN5 9BT

DESCRIPTION:

Application to confirm the change of use from an outbuilding to a separate independent unit of residential accommodation and operational works to provide a first floor (Lawful Development Certificate - Existing).

RELEVANT PLANNING HISTORY:

DC/16/0840	Demolition of ancillary buildings to north of dwelling and erection of single storey ancillary building (Certificate of Lawful Development - Proposed)	Application Permitted on 17.05.2016

SITE LOCATION & APPLICATION DESCRIPTION

The application site comprises a number of buildings, with Water Perry House as the main residence on site. The Bothy is a detached building located to the east of Frylands Lane. The site sits outside the build-up area boundary and is located within the parish of Shermanbury. The site is surrounded by open fields with sporadic detached dwellings located on Frylands Lane. 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 change of use of an outbuilding to form a separate independent unit of residential accommodation and the operational works to provide a first floor, commenced on a date four years prior to the date of the application.

The evidence submitted:

- *Location Plan*

- *Statutory Declaration - Mr Ronald Chatterton-Sim (dated 27.06.2025)*
  Owner of the land which The Bothy is situated on since November 2013. In April 2016, a LDC was applied for to demolish the two existing outbuildings on site and replace with larger L-shaped outbuilding. LDC was approved but not implemented. Repair works were undertaken to the roof and first floor in 2017. The Bothy was rented out to Mr Charlie James Lewis on 3rd July 2018, and he has occupied this as his sole residence to the present day. The accommodation comprises; 1 bedroom, 1 bathroom, a kitchen and lounge. The current tenant (Mr Lewis) pays monthly rent. The Bothy shares the same vehicular access onto Fryland Lane as Waterperry house, but there is a separate area for parking. Not related to Mr Charlie James Lewis.

- *Statutory Declaration – Mr Charlie James Lewis (dated 27.06.2025)*
  Moved into The Bothy on 3rd July 2018 and lived there continuously since that date as main residence. Pays rent to Mr Ronald Chatterton-Sim, who bought the property in November 2013, which includes all the services and utilities at The Bothy. Power, heating and water is supplied

to The Bothy, but there is no separate metering, and the cost is included within monthly rent. Not related to Mr Ronald Chatterton-Sim.

- *Statutory Declaration – Ms Elizabeth Wassenaar (dated 27.06.2025)*
  Lives at Newlands which is a direct neighbouring property of Waterperry House and The Bothy. Lived at Newlands for 4 years, prior to living there, lived at East Lodge, Frylands Lane, which is also a direct neighbouring property of Waterperry House and The Bothy. Lived at East Lodge for 10 years. Recall repair works to the roof of The Bothy being undertaken in 2013 and witnessed a first floor being added to the building in 2013. Aware that The Bothy is independent from Waterperry House and has been rented separately to Mr Charlie James Lewis since July 2018. Not related to Mr Ronald Chatterton-Sim or Mr Charlie James Lewis.

- *Statutory Declaration – Mr Alfie Tighe (dated 27.06.2025)*
  Lives at Little Frylands which is a neighbouring property of Waterperry House and The Bothy. Lived at Little Frylands for 19 years. Recall repair works to the roof of The Bothy being undertaken in 2013 and witnessed a first floor being added to the building in 2013. Offered free guidance to Mr Ronald Chatterton-Sim throughout construction works at the time. Aware that The Bothy is independent from Waterperry House and has been rented separately to Mr Charlie James Lewis since July 2018. Not related to Mr Ronald Chatterton-Sim or Mr Charlie James Lewis.

- *Statutory Declaration – Ms Anna Louise Perry (dated 05.08.2025)*
  Lives at Beaumonts which is a direct neighbouring property of Waterperry House and The Bothy. Lived at Beaumonts for 15 years. Recall repair works to the roof of The Bothy being undertaken in 2013 and witnessed a first floor being added to the building in 2013. Aware that The Bothy is independent from Waterperry House and has been rented separately to Mr Charlie James Lewis since July 2018. Not related to Mr Ronald Chatterton-Sim or Mr Charlie James Lewis.

- *Questionnaire – The Coach House*
  Next-door neighbour. Since they moved in 4 years ago, they have always been aware of Mr Charlie James Lewis's residence which is separate from the main house. They support the application.

- *Appendix B – Copies of Mr Charlie James Lewis's redacted bank statement*
  Show withdrawals for rent payments to Mr Ronald Chatterton-Sim.

- *Appendix A – Land Registry title for Water Perryhouse*

- *Appendix B – photographs of the works to the roof*

- *Appendix C – itemised invoice from Howdens dated December 2017*

- *Google Earth imagery – August 2018*

Council's evidence:

- *Planning Application DC/16/0840*
  Permission was granted for the demolition of two outbuildings on site and the erection of a detached 'L' shaped building, that would provide accommodation incidental to the dwelling, including a home office, garden roof, gym and workshop. Site photographs dated 09.05.2016 of The Bothy

- *HDC Compliance*

- *HDC Revenues*
  Property registered in rating from 01.04.1993. Current owner from 27.02.2014 is Mr Ronald Chatterton-Sim.

- *Google Earth Aerial Imagery*
  2001-2025

The application contends that the evidence submitted shows that 'The Bothy', the name of the independent unit, has been in use as a separate independent residential dwelling for a period in excess of four years prior to the date of the application. Furthermore, the operational works to provide a first floor have also been commenced and completed for a period in excess of four years prior to the application.

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".

Google Earth imagery provides aerial photographs of the outbuilding from the period 2001 to 2025. From these images, it is clear that in 2015 the outbuilding had no rooflights, however, in 2018 the imagery shows that there are rooflights on the eastern roofslope. Therefore, based on these images, it is reasonable to assume that the operational works to the first floor were commenced between 2015 and 2018.

In 2016 the applicant, Mr Ronald Chatterton-Sim, applied for planning permission (DC/16/0840) to demolish the two outbuildings on site, one of which was 'The Bothy', and erect a detached 'L' shaped building. The building would provide accommodation incidental to the main dwellinghouse – Water Perry House – such as a home office, garden roof, gym and workshop. As part of the application, the case officer went to the site and took photographs. These photographs show the outbuildings as they were in May 2016. 'The Bothy' does not appear to have a first floor. Therefore, based on this information, the evidence shows that the operational works to the first floor were commenced after May 2016 and August 2018.

It is acknowledged that the statutory declarations from both Ms Elizabeth Wassenaar, Mr Alfie Tighe and Ms Anna Perry, all state that repairs to the roof of 'The Bothy' were undertaken in 2013 and witnessed a first floor being added in 2013. However, as per the above, the works to the first floor were not undertaken until at least May 2016. The statutory declaration from Mr Ronald Chatterton-Sim provides evidence to confirm that the works to the outbuilding were undertaken in 2017. An itemised invoice from Howdens and their plans for the fitting out of the kitchen and bathroom at the site is dated December 2017. The accompanying photographs are not dated, however, Mr Ronald Chatterton-Sim stated that these photographs are from 2017 when the works were undertaken. Therefore, while it is acknowledged what the statutory declarations state about works being undertaken in 2013, the applicant has evidence to back up that these changes happened in 2017. The evidence provided means that it is probable that the operational works to the first floor happened in 2017.

In regard to the occupation of the building as a separate unit of accommodation, the statutory declarations state that 'The Bothy' was rented out to Mr Charlie James Lewis from July 2018, with the tenant moving in on 3rd July 2018. The declarations state that the tenant has lived there continuously since that date, and copies of redacted bank statements from March 2021 and May 2025 have been provided to evidence the withdrawals of payments for rent to be paid to Mr Ronald Chatterton-Sim. The accommodation consists of 1 bedroom, 1 bathroom, a kitchen and lounge. Based on the information provided, from both the statutory declarations and the appendices, it is probable that the building has been in use as a separate residential dwelling, independent from Water Perry House, since July 2018, which is a period in excess of 4 years prior to the date of this application.

It is considered that the evidence submitted is sufficiently precise and unambiguous to demonstrate, on the balance of probabilities, that 'The Bothy' has been used as a separate independent residential dwelling since July 2018. Furthermore, the evidence submitted demonstrates that the operational works to create a first floor commenced in and were completed in 2017. Therefore, as this is a period in excess of 4 years previous to the date of the application, a certificate of lawfulness should be granted.

Recommendation: Application Permitted

Reason:

1. It has been demonstrated, on the balance of probability, that the outbuilding (as shown shaded red on the attached plan) has been used as a separate independent unit of residential accommodation for a period in excess of four years prior to the date of the application.

2. It has been demonstrated, on the balance of probability, that the operational works to the first floor of the outbuilding (as shown shaded red on the attached plan) were commenced and completed in a period in excess of four years prior to the date of the application.

DELEGATED

Case Officer sign/initial Bethan Tinning Date: 04.09.2025

Authorising Officer sign/initial Tamara Dale Date: 04.09.2025

Plan


17.1m
Waterperry
House
Pond
N