



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0809

Gaydon, Kennel Lane, West Grinstead, Horsham, West Sussex, RH13 8LX

DESCRIPTION:

Use of former garage building as a residential dwelling. (Lawful Development Certificate - Existing).

RELEVANT PLANNING HISTORY:

DC/25/1466	Conversion of stables to dwelling with associated landscape works and removal of smaller stable block and sand school.	Application 27.11.2025	Refused	on
DC/26/0029	Demolition of stable block and removal of sand school. Conversion of stables to 1 no dwellinghouse and associated landscaping.	Application 17.03.2026	Refused	on
DC/12/1599	Conversion and alteration to existing garage building to form ancillary habitable accommodation comprising home office and storage	Application 18.10.2012	Permitted	on
DC/12/1292	Conversion of existing detached garage/storage to habitable rooms (study, guest bedroom, living area and w.c) (Certificate of Lawful Development - Proposed)	Withdrawn 22.08.2012	Application	on

PLANNING ASSESSMENT

The application seeks a Use of former garage building as a residential dwelling (Lawful Development Certificate - Existing).

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."*

Summary of Applicant's Evidence

- SITE AND LOCATION PLAN: 125/2026-1
- FLOOR PLAN AND ELEVATIONS: 125/2026-2
- PLANNING STATEMENT: 125/2026
- APPENDIX A: STATUTORY DECLARATIONS (SENSITIVE) [Dominic Francis, Lauren Francis, Janine Sparkes, Richard Sparkes]
- APPENDIX B: BANK STATEMENTS (SENSITIVE)
- APPENDIX C: PHOTOS (SENSITIVE)

Summary of Council's Evidence

- DC/12/1292 (Conversion of existing detached garage/storage to habitable rooms (study, guest bedroom, living area and w.c) (Certificate of Lawful Development - Proposed)
- DC/12/1599 (Conversion and alteration to existing garage building to form ancillary habitable accommodation comprising home office and storage)
- HDC Elections Consultation
- HDC Revenue Consultation

Discussion

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."

F W Gabbittas v SSE and Newham LBC [1985] JPL 630 held that the applicant's own evidence does not need to be corroborated by "independent" evidence in order to be accepted. If the Local Planning Authority has no evidence of its 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".

Planning History

The application building appears to originally form a garage for the *principal* dwelling on site of Gaydon. It is not known when Gaydon or the garage building were built as no planning history is available regarding this. However, it is thought that the garage has been sited since at least 2001 owing to Google Earth imagery.

Regarding the application building, a Lawful Development Certificate (Proposed) was submitted in 2012 for "Conversion of existing detached garage/storage to habitable rooms (study, guest bedroom, living area and w.c) (Certificate of Lawful Development - Proposed)" under DC/12/1292. This was withdrawn on advice of the Planning Officer who dealt with this application. This is as the Planning Officer advised a full application would be required for the scope of works to be undertaken. An application was submitted under DC/12/1599 (Conversion and alteration to existing garage building to form ancillary habitable accommodation comprising home office and storage) which was approved in October 2012. It is stated within the planning statement that the garage was then used for "ancillary accommodation for storage, office and gym use" in line with the permission. A material change of use then occurs in April 2022 which is for an independent, residential dwelling.

This application seeks a Lawful Development Certificate Existing for the use of the building as a dwellinghouse. It is contended that the building has been used as an independent dwelling house separate from Gaydon since April 2022.

Definition of dwellinghouse

There is no definition of "dwellinghouse" within the Town and Country Planning Act 1990 (TCPA) but reference is made within other relevant planning legislation.

Part C of the Use Classes Order 1987, as amended, defines Class C3 as "dwellinghouses" and refers to "use as a dwellinghouse (whether or not as a sole or main residence) by –

- (a) a single person or by people to be regarded as forming a single household;
- (b) not more than six residents living together as a single household where no care is provided for residents; or
- (c) not more than six residents living together as a single household where no care is provided to residents (other than a use within Class C4)."

Article 2(1) of the Town and Country Planning (General Permitted Development) Order 2015 as amended defines a "dwellinghouse" and states:

“...except in Part 3 (Changes of Use), Part 12A (development by local authorities and health service bodies) and Part 20 (construction of new dwellinghouses) of Schedule 2 to this Order, does not include a building containing one or more flats, or a flat contained within such a building.”

Given the absence of a definition within the TCPA, case law has sought to clarify the meaning. In *Gravesham BC v SSE and O'Brien* [1983] JPL 306, it was accepted that the primary characteristic of a dwellinghouse is its ability to provide the facilities required for day-to-day existence. *Grendon v FSS and Cotswold DC* [2006] EWHC 1711 (Admin) considered it necessary to determine whether the building is physically capable of being a dwellinghouse, has the attributes of a dwelling and is used as such. Specifically, it is outlined that “as the cases under this Act and its predecessors have emphasised the question is to have regard, to an appropriate degree in each case, to both the physical state of the premises and their user, actual, intended and/or attempted.” This is supported in *R (oao Gore) v SSLG and Dartmoor NPA* [2008] EWHC 3278 (Admin) where it was concluded that “it is a matter of fact and degree whether or not any particular use of a building (for example, for occasional overnight sleeping) does or does not amount to a residential use of that building.”

From the above cases, it is clear that a building can be defined as a residential dwelling if it affords all of the facilities necessary to live independently. It is common practice that such facilities include bedroom, kitchen, bathroom, and living space.

Planning Unit

Section 55(1) of the Town and Country Planning Act 1990 states that “subject to the following provisions of this section, in this Act, except where the context otherwise requires, “development” means the carrying out of building, engineering, mining, or other operations in, on, over or under land, or the making of any material change in the use of any building or other land.”

Burdle v SSE 1972 held that there are three issues to consider when defining the planning unit. These broad categories are:

- 1) Where the occupier pursues a single main purpose to which secondary activities are incidental or ancillary, the whole unit of occupation should be considered to be the planning unit.
- 2) Where there are a variety of activities none of which are incidental or ancillary to another and which are not confined within separate and physically distinct areas of land, again the whole unit of occupation should normally be the planning unit.
- 3) Where within a single unit of occupation there are two or more physically separate and distinct areas occupied for substantially different and unrelated purposes, each area (together with its incidental and ancillary activities) should be a separate planning unit.

The Statutory Declarations of Dominic Francis, Lauren Francis, Janine Sparkes, Richard Sparkes outline that the occupants (Janine Sparkes and Richard Sparkes) have lived in the building since April 2022. Since withdrawal of DC/12/1292 and the submission of this application, the building has been extended to the rear to accommodate the provision of a bedroom and bathroom. Looking at images with included date and time information, this appears to have occurred c. August 2021 and completed in April 2022 (images of *seemingly finished* bathroom) which corroborates with statutory declarations. Additional photos show domestic paraphernalia which would substantiate the garage being occupied for day to day living. However, due to the positioning the proposal's additional built form is not able to be verified using satellite imagery as tree cover and the relatively small scale of the proposal make it difficult to conclusively view. In addition, several bills and statements (from various dates) are submitted from the applicants with the address of Gaydon to evidence that the occupants have lived in the building since 2022. It is considered that these corroborate that since April 2022, the occupants have had bills and invoices served to the address. It is noted that these bills do not specify an exact address / house name / number ie. The Garage at Gaydon itself. However, it would be considered that this is not explicitly required to prove occupation within the building. Furthermore, the bank statement provided indicate regular payments between Sparkes to Francies, suggesting a regular payment of rent for the relevant period.

Horsham District Council holds information regarding election and council tax data for the property of Gaydon. This contends that Richard Sparkes have been registered to vote at Gaydon since April 2021 and Janine Sparkes since May 2022. This would appear to corroborate that the dwelling on site has been

occupied since May 2022 by both inhabitants. This would tally with that which has been discussed above and likely confirms occupation at the site since at least May 2022. No election data is available that confirms Dominic Francis and Lauren Francis occupy Gaydon. However, council tax data shows that since March 2021, both Dominic and Lauren Francis have paid for council tax for Gaydon. No council tax data is available for Richard Sparkes and Janine Sparkes either occupying Gaydon or the Garage.

The submitted evidence appears to substantiate that since April 2022, the applicants have occupied The Garage at Gaydon with work to facilitate the occupation completed since this date too. The submitted information appears to agree with each other with no conflicting evidence identified as well as the submitted statutory declarations afforded a significant weight in regard to evidence of occupation.

Section 171B(2) of the Town and Country Planning Act 1990 states that “*where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.*”

The evidence indicates that development of the change of use of the garage to an independent dwelling was completed and occupied since April 2022. On the balance of the probability, it has therefore been demonstrated that the development took place in excess of 4 years from the date the application was submitted.

The land surrounding the building remains unchanged since that subject of the earlier LDC. This land is used as incidental to the residential dwelling and is therefore considered to form part of the planning unit.

Operational Development

The relevant period of time where there is a breach of planning control consisting in the carrying out without planning permission of building operations, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.

The Council have no evidence to contradict the assertions within the Statutory Declaration and evidence submitted, and on the balance of probabilities, it is considered that the building operations have been substantially constructed for a period in excess of 4 years from the date of submission.

Conclusion

On the basis of the available evidence, it is considered on the balance of probability that the change of use from a garage to residential accommodation took place in excess of 4 years from the date of the application submission and the whole of the building has been used as a self-contained and independent residential dwelling for a period in excess of 4 years from the date of the application submission. The building operations to facilitate the conversion are considered to have been substantially constructed for a period in excess of 4 years from the date of the application submission.

Recommendation: Application Permitted

- 1 It has been demonstrated on the balance of probability that the building (outlined in red on attached plan) has been used as an independent and self-contained dwellinghouse (Class C3) for a continuous period in excess of 4 years.
-

DELEGATED

Case Officer sign/initial

JBurrowes

Date: 23/06/2026

Authorising Officer sign/initial

RHERMITAGE

Date: 29.06.2026

PLAN

