



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0587

New House, Fly Farm, Sinnocks, West Chiltington, Pulborough, West Sussex, RH20 2JX

DESCRIPTION:

Replacement of 1no. rear garden shed and conversion of garage into habitable living space (Lawful Development Certificate - Existing).

RELEVANT PLANNING HISTORY:

DC/04/1791

Replacement dwelling

Application Permitted on 06.10.2004

SITE LOCATION & APPLICATION DESCRIPTION

The application site, New House, Fly Farm, Sinnocks, is a dwellinghouse sited within the Parish of West Chiltington, located outside of any built-up area boundary. The site is not within a conservation area, subject to any heritage constraints and there are no Article 4 Directions or applicable enforcement notices covering the site.

PLANNING ASSESSMENT

The application seeks a Certificate of Lawful Development to confirm the replacement of a shed within the rear garden of New House, Fly Farm and the conversion of the garage into habitable living space, for a period in excess of 10 years, therefore confirming 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 applicable 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

The submitted Planning Statement details that the Statutory Declarations and supporting evidence, confirm that the works to erect a new shed were substantially completed over ten years ago and the works to convert the garage as a living space, were substantially completed and has been in use for a ten-year period. The works to erect the new shed started in November 2011 and were completed by

the summer of 2012, assisted by Anthony Funnell. The works to convert the garage were completed by 27 October 2015. The following supporting evidence has been supplied:

- Location Plan, Pre-Existing and Existing Plans, relating to: Site Plan, Floor Plans, Roof Plans, Elevations
- Photographs:
Aerial Image dated 31 December 2011
Current day photographs showing the sheds
- Statutory Declaration – Richard Keeling
This declaration relates to the garage. Keeling, owner and applicant, details that they constructed the dwellinghouse between 2005-2006, following the granting of permission DC/04/1791 and have lived at the property since this time to current day.

Upon the construction of the dwelling, owing to construction costs, the completion of the garage was postponed and the opening boarded up from 2006 to 2015, when the conversion of the garage began and was completed. This boarding up is shown within Exhibit RK3. The windows were installed within the garage door opening in May 2015, shown within Exhibit RK4. Following this, the area below the windows was bricked and blocked up, the internal walls were plaster boarded, painted and internal cosmetic work was undertaken, such as floorboards. The living room was then completed and furniture moved in. This work was completed and the room in use by 22 October 2015, as shown within Exhibit RK5 and RK6. Since this time, the garage has been in a continuous use as a living space, with no interruptions.

The Statutory Declaration is signed and witnessed by a Solicitor, dated 25th February 2026. The following exhibits are attached:

RK1: DC/04/1791 – Decision Notice

RK2: Floor Plans submitted under DC/04/1791

RK3: Photograph dated 14 May 2014, showing the garage door boarded up

RK4: Photograph dated 11 May 2015, showing the windows installed in the previous garage door opening.

RK5: Photograph dated 27 October 2015, showing the works complete, with furniture inside the now converted garage

RK5: Photograph dated 27 October 2015, showing the works complete, with furniture inside the now converted garage, from a different angle

RK6: Photograph dated 22 October 2015, showing a vehicle with the now converted garage in the background

- Statutory Declaration – Richard Keeling
This declaration relates to the shed. Keeling, owner and applicant, details that they constructed the dwellinghouse between 2005-2006, following the granting of permission DC/04/1791 and have lived at the property since this time to current day. The shed was constructed and has been used as private hobby workshop and for storage since at least June 2013.

Keeling details that owing to a row of small stable blocks being in poor condition in the garden, their presence shown in Exhibit RK7, they decided to clear a section of the sheds and build a new she on the same footprint. The roof trusses for the new shed were purchased in November 2011, Exhibit RK8 and the work was then undertaken and completed between May to September 2012. Keeling then details that the new shed is shown within the Google Earth Image, dated 6 June 2013, Exhibit RK9.

The Statutory Declaration is signed and witnessed by a Solicitor, dated 25th February 2026. The following exhibits are attached:

RK1: DC/04/1791 – Decision Notice

RK2: Floor Plans submitted under DC/04/1791

RK7: Google Earth Image Dated 31 December 2001

RK8: Invoice to Keeling at New House, Sinnocks, relating to the supply of roof trusses and associated equipment

RK9: Google Earth Image dated 6 June 2013, apparently showing the new shed

- Statutory Declaration – Anthony Funnell
This declaration relates to the shed. Funnell details that they assisted Richard Keeling with carrying out the works to develop the replacement shed, being a professional bricklayer and family member. Funnell details that over the summer of 2011, between May and September, Funnell assisted Keeling with the block works for the new shed, with the new shed being completed by the following summer May-September 2012. The Statutory Declaration is signed and witnessed by a Solicitor, dated 25th February 2026.

Council's Evidence

- HDC Benefits and Revenues Consultation Response
Confirmation of those registered at the property
- HDC Democratic Services and Elections Consultation Response
Confirmation of those registered at the property
- HDC Planning Compliance Response
No comments to make
- West Chiltington Parish Council Consultation Response
No comments to make
- Site's Planning History
- Aerial Photographs

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".

Assessment of Evidence

Planning permission for the dwellinghouse was granted in 2004, under the permission reference DC/04/1791. As part of this permission a number of conditions were imposed, detailed as follows:

Condition 4 –

The garage hereby permitted shall be used as a private domestic garage in connection with the approved dwelling only for no other purpose.

Reason: To accord with the terms of the permission having regard to the policy CS20 of the Horsham District Local Plan 1997 on the replacement of dwellings in the countryside and to ensure that satisfactory provision is made for the parking of vehicles.

And

Condition 6 –

Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending or revoking and re-enacting that Order with or without modification) no development falling within Classes A B C and E of Part 1 of Schedule 2 to the order shall be erected constructed or placed within the curtilage(s) of the dwelling(s) hereby permitted so as to enlarge improve or otherwise alter the appearance or setting of the dwelling(s) unless permission is granted by the Local Planning Authority pursuant to an application for the purpose.

Reason: To accord with the terms of the permission having regard to the policy CS20 of the Horsham District Local Plan 1997 on the replacement of dwellings in the countryside.

Further conditions were imposed which required discharging by means of a formal application, most notable Condition 2 (Schedule of materials), Condition 8 (Hard and Soft Landscaping) and Condition 9 (Details relating to fencing). No applications seeking to discharge these conditions were submitted. However, these conditions are not considered to be a condition precedent, as it does not go to the heart of the permission and as such, its non-compliance does not invalidate the planning permission. Moreover, as the approved development was implemented without the discharge of pre-commencement conditions, and this breach has persisted for over ten years without enforcement action, it is now immune from enforcement under Section 171B of the Town and Country Planning Act 1990.

As detailed as part of the wording of condition 4, the garage was required to be used solely as a private domestic garage, and for no other purpose without the consent granted by the Council. This meant that the development to convert the garage into habitable living space required planning permission, which was not sought for the works. Condition 6 removed permitted development rights relating to the erection of outbuildings, Class E, and as such, the erection of a new shed would have required express consent by the council prior to undertaking the work. In undertaking both of these works, the applicant was in breach of these conditions.

As outlined by Section 171B (1)(a) of the Town and Country Planning Act 1990, no enforcement action may be taken after the end of the period of 10 years beginning with the date on which the operations were substantially completed.

The supporting evidence, notably the Statutory Declaration and exhibited photographs of the garage, confirm that the works to convert the garage into habitable living space were completed by 22 October 2015, with the Use remaining as such since this time. The supporting evidence relating to the erection of the replacement shed also confirms that the work was substantially completed by the summer of 2012. Whilst there is less supporting evidence for this aspect of the CLUED, Google Earth Images obtained independently, clearly show that there is a distinct difference between the outbuilding shown in the December 2009 image, to that shown within the September 2012 and June 2013 image, appearing to show a different roof. The building remains unchanged in the proceeding aerial images up until March 2022, when it last visible given the shadowing of the surrounding trees.

The supporting Statutory Declarations have been signed and witnessed before a solicitor and are therefore afforded significant weight. The Council has no reason to doubt the reliability of the statements, or the other corroborating evidence, and given the presence of the Council's own corroborating evidence, the claims made are accepted on the balance of probabilities. Therefore, it has been demonstrated, on the balance of probability, that both the works to erect the shed were substantially completed for a period in excess of 10 years, and the garage was converted and has been in Use as habitable living accommodation, for a period in excess of 10 years prior to the date of the application. It is therefore recommended that a certificate of lawfulness should be granted.

Recommendation: Application Permitted

Reasons:

1. It has been demonstrated, on the balance of probability, that the shed (outlined in red on the attached plan) was substantially completed in breach of condition 6 of DC/04/1791, for a period in excess of 10 years prior to the date of this application.
2. It has been demonstrated, on the balance of probability, that the works to convert the garage (outlined in blue on the attached plan) were substantially completed and has been in Use as habitable living accommodation, in breach of condition 4 of DC/04/1791, for a period in excess of 10 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/26/0587

(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
Supporting Statement	Statutory Declaration - Richard Keeling - Shed	NONE	31.03.2026
Supporting Statement	Statutory Declaration - Anthony Funnell - Shed	NONE	31.03.2026
Supporting Statement	Statutory Declaration - Richard Keeling - Garage	NONE	31.03.2026
Supporting Statement	Planning Statement	NONE	31.03.2026
Location & Site plan	Pre-existing Location & Site Plan	2067 -DPA - 01	20.07.2026
Elevation plan	Pre-Existing Elevations	2067 -DPA - 05	09.07.2026
Elevation plan	Existing Elevations	2067 -DPA - 06	09.07.2026
Floor plan	Pre-Existing Floor Plan & Roof Plan	2067 -DPA - 03	09.07.2026
Floor plan	Existing Floor Plan & Roof Plan	2067 -DPA - 04	09.07.2026
Elevation & Floor plan	Pre-Existing Shed Floor Plan & Elevations	2067 -DPA - 07	09.07.2026
Elevation & Floor plan	Existing Shed Floor Plan & Elevations & Roof Plan	2067 -DPA - 08	09.07.2026
Site plan	Existing Site Plan	2067 -DPA - 02	20.07.2026
Photos	Photos of Shed	NONE	09.07.2026

DELEGATED

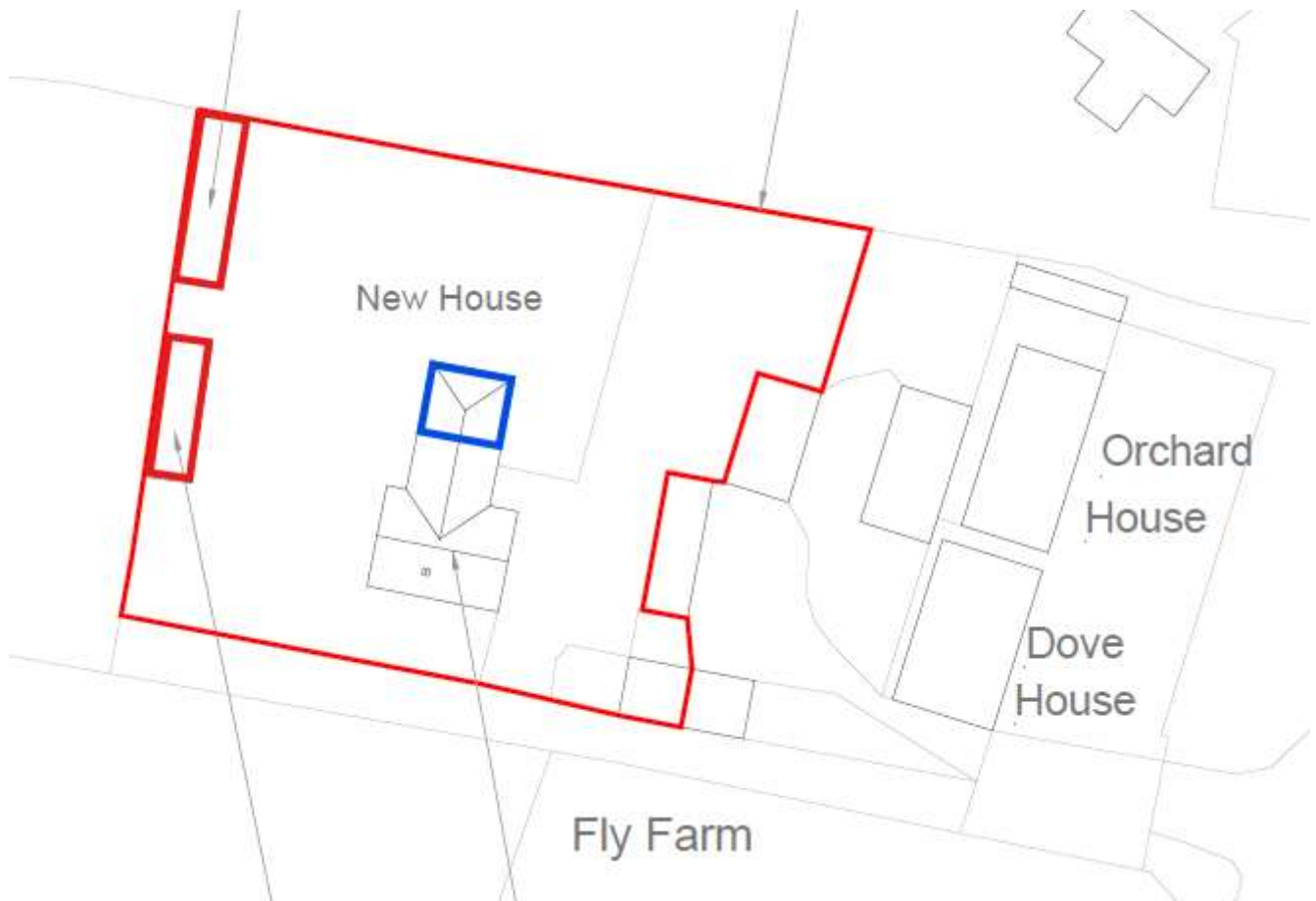
Case Officer sign/initial Sam Nye

Date: 14/09/2026

Authorising Officer sign/initial Tamara Dale

Date: 14.09.2026

PLAN



PLAN

