



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0605
Star Farm, Gay Street Lane, North Heath, West Sussex, RH20 2HN

DESCRIPTION:

Application to confirm the lawful implementation of planning permission DC/23/1951 (Lawful Development Certificate - Existing).

RELEVANT PLANNING HISTORY:

DC/05/3085	Replacement garage/garden store with hobbies room over	Application Permitted on 01.03.2006
DC/09/0089	Replacement garage/garden store with hobbies room over	Application Permitted on 17.03.2009
DC/12/0096	Renewal of unimplemented planning permission DC/09/0089 (Replacement garage/garden store with hobbies room over)	Application Permitted on 13.03.2012
DC/14/2725	Replacement garage/garden store with hobbies room over (Renewal of Consent DC/12/0096)	Application Permitted on 26.03.2015
DC/18/0037	Replacement garage/garden store with 'hobbies' room above.	Application Permitted on 21.02.2018
DC/20/2193	Replacement garage/garden store with 'hobbies' room above.	Application Permitted on 04.01.2021
DC/23/1951	Erection of a replacement detached Garage/Garden Store with Hobbies Room above	Application Permitted on 12.12.2023

SITE LOCATION & APPLICATION DESCRIPTION

The application site is located to the north of Gay Street Lane, situated within the parish of Pulborough and outside a built-up area boundary and comprises a residential property to the south, with agricultural buildings to the north. The site is not within a conservation area, and there are no extant Article 4 Directions or enforcement notices covering the site.

In 2023, planning consent was granted for the erection of a replacement detached Garage/Garden Store with Hobbies Room above. This application seeks a Certificate of Lawful Development (Existing) to confirm that planning permission, DC/23/1951, was lawfully implemented within the required 3-year timescale and can therefore be completed.

PLANNING ASSESSMENT

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 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".

Applicant's Evidence

- Location Plan
- DC/23/1951 – Decision Notice
- DC/23/1951 – Delegated Report
- DC/23/1951 – Approved Plan SF/05/01A
- Cover Letter
- Photographs detailing the following:
 1. Photo A – Garage prior to demolition (undated)
 2. Photo B – The garage during demolition (undated)
 3. Photo C – Google Earth Image of the site dated March 2012
 4. Photo D – Google Earth image of the site dated July 2022
 5. Photo E – Google Earth image of the site dated June 2025
 6. Photo F – Photograph of the site dated 27th March 2026
 7. Photo G – Photograph of the site dated 27th March 2026
- Email Correspondence between HDC Planning Officers and Applicant
This email correspondence, dated January 2025, originates from the applicant, in which they email the council to confirm that the development has commenced, by demolishing the existing garage. The applicant seeks the site was viewed by HDC Building Control Officer John Haddock on Friday 3rd January 2025 and seeks written confirmation from the council that DC/23/1951 has been implemented. On the 3rd February 2025, the council's planning team respond confirming the email has been placed on the file, as a record of the development commencing.

Council's Evidence

- Site's Planning History
- Site's Building Control History
- Pulborough Parish Council Consultation Response
No comments, members voted to support the application.
- Aerial Photographs

This application seeks a Certificate of Lawful Development to confirm that DC/23/1951 was lawfully commenced and can be completed. Consent was granted for the 'Erection of a replacement detached Garage/Garden Store with Hobbies Room above', on the 12th December 2023, with condition 2 requiring the development to begin before the expiration of three years from the date of the permission. As such, the development must have commenced by the 12th December 2026. The permission did not impose pre-commencement conditions that would have prevented the lawful commencement of the development.

The applicant's submitted Covering Letter does not provide a date in which the development commenced, but the supplied Photograph B shows the demolition of the existing garage in progress. The photo is undated, but the building in this photograph matches the footprint and outline of the existing garage, shown within Drawing no. SF/05/01A. Three aerial photographs have been supplied, with Photograph C (dated March 2022) and D (July 2022) showing the garage in situ, in which the later dated Photograph E (June 2025) shows the demolition of the garage complete and no longer present, with what appears to be the hardstanding base now visible. Photographs F and G, dated March 2026, show the current condition of the site, in which confirms the garage has been fully demolished. The applicant has provided email correspondence between the council's planning team and the applicant, in which the officer states the email has been placed on the file, as a record of the development commencing.

Within the Council's internal Building Control record for the development, reference SBC/24/0834, the applicant confirms that the works started on 22nd July 2024. It also appears that a site inspection took place by a HDC Building Surveyor, dated 03rd January 2025.

The applicant's account relies on the stance that the development was implemented by means of the existing garage being demolished to facilitate construction of the replacement building on the same footprint. The council is accepting of the evidence submitted, in which confirms that the demolition of the existing garage took place within the three-year period that the planning permission was extant.

However, it is important to consider whether the works undertaken amount to commencement of development related to the planning permission. The submission seeks to show that the commencement of the development comprised the demolition of the existing garage. Whilst the contents of the email trail between the council's planning team and the applicant are acknowledged, the responding officer was not aware of the full circumstances and not aware that the works would cease once the garage had been demolished. Furthermore, this correspondence does not amount to a formal determination that the permission had been implemented.

Demolition is a material operation that falls within the definition of development under Section 55 of the Town and Country Planning Act 1990, and unless explicitly stated within the description of development within a planning permission, requires separate consent through a demolition notification.

The planning permission granted under DC/23/1951 was for the "erection of a replacement garage". Whilst demolition of the existing garage may have been necessary to facilitate that development, the description of development did not make reference to demolition. The planning permission related solely to the erection of a replacement garage. Planning permission was not therefore granted for the demolition of the garage, which as outlined above, is a material operation falling within the definition of development. In addition, no demolition notification was submitted and approved. For these reasons, the Council does not consider that demolition alone amounted to commencement of the development in which DC/23/1951 authorised. The demolition of the building did not form part of the development permitted as it was not clearly defined within the description, and while demolition itself would be development under Section 55 of the Town and Country Planning Act 1990, it did not form part of the planning permission.

Conclusion

Whilst the description of development refers to the erection of a replacement garage, and so the removal of the existing garage may be implied, the demolition itself was not authorised as part of the consent, as it was not included within the description of the development. Therefore, the demolition falls outside the scope of the development as approved.

No evidence has been provided to demonstrate that any works associated with the construction of the replacement garage, such as excavation, foundations or other building operations, had commenced within the relevant 3 year period. In the absence of evidence that any operational works associated with the erection of the replacement building have been undertaken, the council is not satisfied that the approved development was lawfully commenced.

On the balance of probabilities, whilst the Council accepts that the garage was demolished prior to the expiry of planning permission DC/23/1951, it does not consider that the demolition alone was sufficient to implement the permission. The submitted evidence fails to demonstrate that the development, granted consent under DC/23/1951 has been lawfully commenced at the time of this application, and the application for a Certificate of Lawful Development is recommended for refusal.

Recommendation: Application Refused

Reason(s) for Refusal:

1. It has not been demonstrated, on the balance of probabilities, that planning permission DC/23/1951 was lawfully implemented at the time of this application. Whilst the existing garage was demolished prior to the submission of this application, the demolition itself was not authorised as part of the planning permission, as it was not included within the description of the development. Therefore, the demolition falls outside the scope of the development as approved under planning reference DC/23/1951.

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/26/0605

(The approved plans will form Condition 1 on the Decision Notice of all Permitted applications)

Schedule of plans/documents not approved:

Plan Type	Description	Drawing Number	Received Date
Location plan	Location Plan	NONE	14.04.2026
Supporting Docs	Cover Letter	PD.4245/CW	14.04.2026
Photos		NONE	14.04.2026
Supporting Docs	DC/26/0605 Decision Notice	DC/23/1951	14.04.2026
Supporting Docs	DC/26/0605 Delegated Report	DC/23/1951	14.04.2026
Elevation & Floor plan	DC/26/0605 - Proposed Elevations, Floor & Roof Plan	SF/05/01A REV A	14.04.2026

DELEGATED

Case Officer sign/initial Sam Nye Date: 01.07.2026

Authorising Officer sign/initial Tamara Dale Date: 01.07.2026