



Planning Statement

Certificate of Lawfulness for existing use of building as
independent residential dwelling

Gaydon, Kennel Lane, West Grinstead, RH13 8LX

prepared by

WPS Planning

Planning Statement
Gaydon



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1.0 INTRODUCTION

- 1.1 This Planning Statement has been prepared in support of an application for a Certificate of Lawfulness for an Existing Use or Development (CLEUD) under Section 191 of the Town and Country Planning Act 1990.
- 1.2 The application seeks to confirm the lawfulness of the use of a detached building, located within the residential curtilage of Gaydon, as an independent residential dwelling. The application is made on the basis that the use has been continuous for a period exceeding four years and is therefore immune from enforcement action.
- 1.3 In determining this application, the Local Planning Authority is required to consider whether, on the balance of probability, the evidence demonstrates that the use has subsisted continuously for the relevant period. The planning merits of the development are not a material consideration.
- 1.4 This submission should be read alongside the supporting appendices and with regard to the planning history of the site, including planning permission DC/12/1599, which establishes the lawful baseline and context for built development within the curtilage.
- 1.5 A range of supporting documentation has been provided to substantiate the claim, including statutory declarations, financial records, and photographic evidence. Taken together, this material provides a clear and consistent account of the use of the building as an independent residential unit.

2.0 ASSESSMENT OF CASE

Site & Surroundings

- 2.1 Gaydon is a residential property located on Kennel Lane, West Grinstead, within a semi-rural area characterised by detached dwellings set within relatively large plots. The surrounding environment includes a mixture of residential properties, outbuildings, and landscaped gardens, typical of this part of the district.
- 2.2 The application site comprises the main dwelling and its associated curtilage. Within this curtilage, to the west of the principal dwellinghouse, is a detached outbuilding (referred to as “the garage”), which is the subject of this application.
- 2.3 The garage is physically separate from the main dwelling and occupies a discreet position within the plot, benefiting from a degree of separation that allows it to function independently. Its siting, scale, and relationship with the main dwelling are such that it is capable of, and has been used as, a self-contained residential unit.
- 2.4 The planning history of the site, including permission DC/12/1599, provides important context in establishing the lawful status of built form within the curtilage and demonstrates that the presence of ancillary structures at the site is not unusual.

Use of the Cabin

- 2.5 The garage has existed on the site for a number of years and was historically used in association with the main dwelling, providing ancillary accommodation for storage, office and gym use.
- 2.6 However, from April 2022, a material change in use occurred, whereby the garage began to be occupied as an independent residential unit. At that point,

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the current occupants moved into the building and have resided there continuously since that date.

- 2.7 The nature of the occupation since April 2022 has been clearly distinct from ancillary use. The garage has functioned as a separate and self-contained dwelling, with its own living, sleeping, and day-to-day domestic arrangements. The occupants have treated the property as their sole or primary residence.
- 2.8 The continuity and independence of this occupation is a key factor in establishing lawfulness and is evidenced through multiple sources, which together form a robust and mutually reinforcing body of evidence.

Supporting Evidence

- 2.9 A comprehensive set of documentation has been provided to demonstrate, on the balance of probability, that the cabin has been used as an independent residential unit continuously since April 2022.

Appendix A – Statutory Declarations

- 2.10 Statutory declarations have been provided by individuals with direct knowledge of the use of the cabin. These declarations confirm:
- The date at which independent occupation commenced (April 2022),
 - The continuous nature of that occupation, and
 - The fact that the cabin has been used as a separate dwelling rather than for incidental or ancillary purposes.
- 2.11 As sworn legal statements, statutory declarations carry significant evidential weight and are a recognised and important component of CLEUD submissions.

Appendix B – Bank Statements & Invoices

2.12 Financial documentation in the form of bank statements & invoices have been included to further corroborate the residential use of the cabin. These documents demonstrate:

- The use of the address in connection with day-to-day financial activity,
- The association of named individuals with the property as their place of residence, and
- Ongoing occupation over a sustained period.

2.13 Such documentation provides independent, verifiable evidence that supports the claims made within the statutory declarations.

Appendix C – Photographic Evidence

2.14 Appendix C contains a series of dated photographs illustrating the cabin, its setting, and its use over time. These images provide clear visual confirmation of:

- The physical presence and permanence of the building within the site,
- Its domestic scale, layout, and internal arrangement,
- The presence of furniture, fittings, and personal effects consistent with day-to-day residential occupation, and
- The ongoing use of the building as a lived-in space.

2.15 The photographs show typical residential activity and conditions, including furnished living areas, kitchen facilities, and personal belongings, all of which

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are indicative of independent occupation rather than incidental use. They also demonstrate the continued use of the building across multiple points in time.

- 2.16 Further photos show the layout of the property, demonstrating its residential nature within the building along with outside domestic paraphernalia. All reinforcing its established residential use.

Functional Independence

- 2.17 Although the garage is located within the curtilage of the main dwelling, it has operated in practice as an independent unit of accommodation.
- 2.18 Utilities serving the garage are provided via connections from the main dwelling and are included within the rental arrangement. This is a common arrangement in smaller residential units and does not prevent the building from functioning as a separate dwelling in planning terms.
- 2.19 The key test is not the physical separation of services, but whether the unit is capable of functioning independently and has in fact been used as such. The evidence clearly demonstrates that this is the case.

Assessment Against Legal Test

- 2.20 For the purposes of Section 191 of the Town and Country Planning Act 1990, the Local Planning Authority must determine whether the evidence shows, on the balance of probability, that the use has been continuous for a period of at least four years.
- 2.21 The evidence submitted demonstrates:
- A clear commencement date of independent residential use (April 2022),
 - Continuous occupation from that date to the present, and

- Multiple, consistent sources of evidence supporting that occupation.

2.22 There is no evidence to suggest any material interruption in the use during this period.

List of Evidence Included

- Appendix A – Statutory Declarations
- Appendix B – Bank Statements & Invoices
- Appendix C – Photographic Evidence of the Cabin and Its Use

3.0 CONCLUSION

- 3.1 This application has been supported by a comprehensive and coherent body of evidence, which clearly demonstrates that the garage has been used as an independent residential dwelling continuously since April 2022.
- 3.2 The statutory declarations provide direct and credible testimony as to the nature and duration of the use. This is reinforced by financial documentation and photographic evidence, all of which consistently point to the same conclusion: that the building has functioned as a separate and self-contained dwelling for a continuous period exceeding four years.
- 3.3 In the context of Section 191 of the Town and Country Planning Act 1990, the evidence must be considered on the balance of probability. In this case, the weight, consistency, and quality of the evidence comfortably meet this test.
- 3.4 Accordingly, it is concluded that the use of the cabin as an independent residential unit is lawful, and a Certificate of Lawfulness should be granted without delay.

Appendices

Appendix A

Statutory Declarations

Appendix B

Bank Statement & Invoices

Appendix C

Photographs