

14 January 2026

Mrs Childs
Director of Place
Horsham District Council
Horsham
West Sussex
RH12 1RL

Dear Mrs Childs,

Application for Certificate for Lawfulness for Existing Use or Development

Single storey rear extension to The Laurels, Tower Hill, Horsham RH13 0AQ

This letter is submitted in support of the above application. The application seeks to confirm that an extension constructed on the western side of the property known as The Laurels is lawful, as our clients wish to regularise the position prior to a planned sale of the property in near future.

It will be demonstrated that the extension was completed more than 4 years from the date of submission of this application.

The applicant went ahead with the development as it fell within the permitted development size parameters for a single storey extension. Irrespective of this the built form has been in place for over 4 years and is now lawful through the passage of time.

Relevant Planning History

The planning history relating to The Laurels is provided below.

Planning Applications (7)

- [Conversion of outbuildings to a dwelling](#)
Ref. No: DC/04/2714 | Status: Application Withdrawn
- [Conversion of outbuildings to a dwelling](#)
Ref. No: DC/05/0724 | Status: Application Refused
- [Amend roof pitch to previously approved DC/05/0724 for conversion of outbuildings to a dwelling](#)
Ref. No: DC/07/1810 | Status: Application Refused
- [Amend roof pitch to previously approved DC/05/0724 for conversion of outbuildings to a dwelling](#)
Ref. No: DC/08/0751 | Status: Application Refused
- [Non-material minor amendment following grant of planning permission DC/05/0724 \(Conversion of outbuildings to a dwelling\) to include various amendments to the exact size and position of windows and doors and the inclusion of 4 roof lights in the slate roof in order to give natural light and ventilation to 4 small rooms and slightly amend position of internal stud walls for kitchen area](#)
Ref. No: DC/10/0833 | Status: Application Permitted
- [Use of existing access to serve converted outbuildings together with access drive and hardstanding](#)
Ref. No: DC/11/1156 | Status: Application Permitted
- [To extend the living area by approximately 17 square metres \(internal\), to include a wood burner/closed fireplace](#)
Ref. No: DC/11/1613 | Status: Application Permitted

There have to date been planning applications to the property: approved under DC/10/0833, a non-material amendment to change the size and position of windows and doors together with 4 rooflights in the slate roof and internal changes and approval DC/11/1613 for a small extension to the living area.

Legislation

The Town and Country Planning (General Permitted Development) (England) Order 2015 sets out the criteria for extensions to a dwelling within Schedule 2, Part 1, Class A.

The Town and Country Planning Act 1990 sets out the Meaning of “development” at Section 55 which includes “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 buildings or other land.”

Section 191 of the Act enables an application to be made to confirm that a development is lawful. This includes whether development has become lawful through the passage of time under Section 171B of the Act. In summary, this confirms that where a breach of planning control has existed for a certain period, it becomes immune from enforcement action and, therefore, lawful. The immunity period for a breach of planning control is now ten years beginning with the date of the change of use or the date on which the building operation was substantially completed. In this case, the relevant dates are the dates on which the extension was substantially completed. This is discussed further below and under “Summary of the evidence and case for the Grant of a Certificate”.

Section 115 of the Levelling-up and Regeneration Act 2023 (LURA) amended what was originally a 4 year rule in England to 10 years for all development. The transitional provisions within Regulation 3(b) and 5(a) of The Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024 (SI 2024/452) mean that the change does not immediately come into force for operational developments that are substantially

completed by 24th April 2024. In practice this means that any operational development completed before 25th April 2024 can benefit from a 4 year immunity period up until 25th April 2028. This applies to the construction of the extension which was already completed in May 2021 (see further below).

It is clear from the Planning Practice Guidance that it is for the applicant to prove, on the balance of probability that the use or operation has carried on for the relevant period. Providing that the Council's evidence does not contradict that submitted or otherwise make the applicant's version of events less than probable, there is no good reason to refuse an application.

Case Law

The Judgment of F W Gabbittas v SSE and Newham LBC [1985] JPL 630 established the principle 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 applicants version of events less than probable, then there is no good reason to refuse an application for a Certificate of Lawfulness. This has now been carried forward into Planning Practice Guidance.

Planning Practice Guidance

The guidance contains a section on Lawful Development Certificates.

Paragraph 003 states that *"The statutory framework covering "lawfulness" for lawful development certificates is set out in section 191(2) of the Act. In summary, lawful development is development against which no enforcement action may be taken and where no enforcement notice is in force, or, for which planning permission is not required."*

Paragraph 006 states that *"The applicant is responsible for providing sufficient information to support an application, although a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the planning status of the land. A local planning authority is entitled to canvass evidence if it so wishes before determining an application. If a local planning authority obtains evidence, this needs to be shared with the applicant who needs to have the opportunity to comment on it and possibly produce counter-evidence. In the case of applications for existing use, if a local planning authority has no evidence itself, nor any 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." (our underlining)*

Paragraph 008 states that *"There is no statutory requirement to consult third parties including parish councils or neighbours. It may, however, be reasonable for a local planning authority to seek evidence from these sources, if there is good reason to believe they may possess relevant information about the content of a specific*

application. Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application.” (our underlining)

Paragraph 009 states that “A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this application or appeal process.” (our underlining)

Summary of the evidence and case for the Grant of a Certificate

The extension at the rear/western side of The Laurels was constructed to fall within the size parameters for permitted development concerning single storey rear extensions. More specifically, the extension does not project more than 4m beyond the rear elevation and is not more than 4m to the ridge. The eaves height is below 3m and the extension does not occupy more than 50% of the curtilage/garden area. It is constructed from materials to match the rest of the house.

It is confirmed that the extension was substantially completed by 28/05/2021 as stated by the building control certificate showing the same date of issue. The initial notice of works was issued on 18/03/2021 and confirmed by then that the applicant had at that point undertaken works associated with the construction of ‘single storey rear extension’.

It is suggested that the information can be corroborated by the aerial photographs of the extension, which have been provided in support of this application. These show that the extension first appears in the on Google Earth on 06/2021, with the subsequent ones showing it thereafter provided for reference. A photograph from the Summer of 2021 is included below showing the completed extension (to the left of the photo).



