



DELEGATED APPLICATIONS - ASSESSMENT SHEET

APPLICATION NO./ADDRESS:

DC/26/0821

Peppers Farm, Peppers Lane, Ashurst, West Sussex, BN44 3AX

DESCRIPTION:

Application to confirm the continuous use of an existing building as a self-contained dwelling (Use Class C3) (Lawful Development Certificate - Existing).

RELEVANT PLANNING HISTORY:

DC/15/2437	Conversion of ancillary domestic outbuilding to studio annex	Application Refused on 22.02.2016
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SITE LOCATION & APPLICATION DESCRIPTION

The application site, Peppers Farm, sits within the Parish of Ashurst, located outside of any built-up area boundary and comprises a single storey building. The site is not within a conservation area, statutory listed 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 continuous use of an existing building as a self-contained dwelling, 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 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 applicant details within their Planning Statement that the building subject of this application, was converted from being used for domestic storage purposes and a tack room, to a self-contained dwelling in early 2016, with the work being complete by early May of the same year. The building is known as

The Tack Room. The works undertaken comprised installing a kitchen, bathroom, bedroom/living room, with a mezzanine storage area. From 15th May 2016, the applicants let the building to Mr Neil Watts, who has occupied the dwelling on a continuous basis since that date. Throughout his tenancy agreement, Mr Watts has been employed the applicants as a gardener.

The following supporting evidence has been supplied:

- Location Plan – PL/TG/03A
- Existing Floor Plans and Elevations – PL/TG/02A
- Three photos taken 6th May 2016. These photos are screenshots, so it is not possible to see the digital signature, but the photos show the completed internals of the building including the bathroom, kitchen and part of the living room/bedroom.
- Tenancy Agreement
This Tenancy Agreement, between William Woods and Neil Watts, is dated as starting from the 15th May 2016. This document covers the terms and details of the agreement and gives the property address as The Tack Room, Peppers Farm. The agreement is signed by both parties, dated 15/05/2016.
- Statutory Declaration – Mr Neil Watts
The declaration states Watts has resided at The Tack Room, Peppers Farm, since 15th May 2016, in which the building is outlined in red on an accompanying plan. The dwelling comprises a studio property, with a kitchen, bathroom and mezzanine storage area above the kitchen/bathroom. Watts confirms the Tack Room has been their sole residence since the 15th May 2016 and they have occupied it on an uninterrupted basis since that date. The Tack Room is part of Peppers Farm, which is owned by Mr and Mrs Woods, who are also his employers. The Statutory Declaration is signed and witnessed by a solicitor, dated 20th April 2026.
- Statutory Declaration – Alison Woods
Alison Woods is the owner and occupant of Peppers Farm, along with her husband. The declaration states that in early 2016, Alison converted the building into a self-contained studio dwelling, in which is known as the Tack Room and is outlined in red on an accompanying plan. The conversion was completed by early May of 2016, with their tenant, Neil Watts, occupying the building on the 15th May 2016. Watts has occupied the Tack Room on a continual and interrupted basis since this date. Watts is employed as gardener at Peppers Farm. The Statutory Declaration is signed and witnessed by a solicitor, dated 20th April 2026.

Council's Evidence

- HDC Democratic Services and Elections Consultation Response
Confirms details of those registered at Peppers Farm since 2014, this includes Neil Watts since November 2019.
- HDC Benefits and Revenues Consultation Response
Confirms council tax records since 1993.
- HDC Planning Compliance Response
Comments received (no knowledge of the site)
- Site's Planning History – DC/15/2437
- Lawful Development Questionnaire – New Barn
The respondents confirm that Mr Neil Watts lives in the self-contained dwelling, with no noise or traffic generated as a result.
- Lawful Development Questionnaire – Peppers Farmhouse
The respondents, neighbours since 2002, confirm that the building is used as living accommodation as the building is close to the neighbour's boundary. The respondents experience an increase in traffic on the shared drive as a result.

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 Gabbittas 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

In this case, as the building's conversion and occupation took place prior to April 2024, the development is subject to the 4-year immunity rule from enforcement action, as opposed to the 10-year rule. It has not been possible to locate the original planning permission for the construction of the building, however, it is shown on plans dating back to 2002. As such, it can be confidently stated that no previous planning consents have imposed conditions on this building. The most recent planning history relating to the building is in 2015, in which the applicants sought consent to convert the building into a studio annex. Despite the refusal of this application, it appears the work was proceeded with, without planning consent.

The applicant, Alison Woods, has provided a statutory declaration detailing that the works to convert the building into an independent dwelling, were completed in May 2016. In support of this, time and date stamped photos have been supplied, showing the completed internal works. Whilst the photos are not the originals and it is not possible to view the digital signature, the council has no reason to doubt their reliability. It is stated that Mr Neil Watts has continuously resided in the building, since the 15th May 2016, collaborated in both Alison Woods and Mr Neil Watts Statutory Declaration, in which the Tenancy Agreement has also been provided in support. Whilst no utility bills have been provided, it is stated that this is due to the building not having separate supplies, rather it is connected from the farm's water and electricity supplies. The Lawful Development Questionnaires returned by the neighbouring properties, whilst not providing an independent account of how long Mr Watts has resided in the building, does go some way in confirming the applicant's account.

The statutory declarations are signed and witnessed before a solicitor and is therefore afforded significant weight. The council has no reason to doubt the reliability of the statements, or the other collaborating evidence, and in the absence of any contrary evidence, the claims made are accepted on the balance of probabilities. It is considered that the evidence submitted by the applicant is sufficiently precise and corroborated, that on the balance of probability, the building has been used as an independent residential dwelling for a continuous period in excess of 10 years, far exceeding the required 4-year time scale. It is therefore recommended that a certificate of lawfulness should be granted.

Recommendation: Application Permitted

Reason:

- 1 It has been demonstrated, on the balance of probability, that the building (outlined in red on the attached plan) has been used as an independent residential dwelling for a continuous period in excess of 10 years (up until 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/26/0821Schedule of plans/documents **approved:**

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Statutory Declaration - Mr Neil Watts	NONE	20.05.2026
Elevation & Floor plan	Existing Elevations & Floor Plan	PL/TG/02A	20.05.2026
Photos	Internal Photos - Dated 06/05/2016	NONE	20.05.2026
Location plan	Location Plan	PL/TG/03A	20.05.2026
Supporting Statement	Statutory Declaration - Alison Woods	NONE	20.05.2026
Supporting Statement	Planning Statement	NONE	20.05.2026
Supporting Statement	Tenancy Agreement - Mr Neil Watts	NONE	20.05.2026

DELEGATEDCase Officer sign/initial Sam Nye Date: 14/07/2026Authorising Officer sign/initial RHERMITAGE Date: 24/07/2026

PLAN

