Horsham District Council

Mr Peter Young
DOWSETTMAYHEW
DOWSETTMAYHEW Planning Partnership
Mocatta House
Trafalgar Place
Brighton
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NOTICE OF REFUSAL TO GRANT A LAWFUL USE OR DEVELOPMENT CERTIFICATE

TOWN & COUNTRY PLANNING ACT 1990: S191 (AS AMENDED BY S10 OF THE PLANNING AND COMPENSATION ACT 1991)

TOWN & COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER (ENGLAND) 2015

Application No: DC/24/1332

1. Refusal

Horsham District Council by this notice **refuses** the application made under s191 of the Town and Country Planning Act 1990 (as amended) dated 21st January 2025 (reference DC/24/1332) for the matters referred to in paragraph 2 in respect of the land described in paragraph 3 for the reasons set out in paragraph 4.

2. Matters

Application to confirm the construction and occupation of a Class C3 residential dwellinghouse, outbuildings and associated amenity space (Lawful Development Certificate - Existing)

3. The land to which this refusal relates

Kingstone (previously Known As Plot 10 Dukes Hill) Bramble Lane Thakeham West Sussex

4. Reason for refusing this application

1 On an application of the Welwyn Hatfield principle (as set out in **Welwyn Hatfield B.C. v SSCLG** [2011] 2 A.C. 304), the Applicant appears to the Council to have positively deceived the Council in matters integral to the planning process (in particular, although not exhaustively, via misleading the Council in correspondence as to the nature of operational development and use of the Site, and by deliberately omitting to register for council tax and the electoral roll). In combination, these such acts were directly intended to and did undermine the regular operation of the planning process, and in essence concealed an apparent breach of planning control. The Applicant cannot therefore rely upon immunity periods prescribed in s.171B of the Town and Country Planning Act 1990 to claim immunity from enforcement due to the passage

of time. Accordingly, the contents of s.191(2) of the Town and Country Planning Act 1990 have not been satisfied.

5. Schedule of plans/documents

This decision is based on the following schedule of plans/documents:

Plan Type	Description	Drawing Number	Received Date
Supporting Statement	Planning Statement	NONE	02.09.2024
Photos	Photos	NONE	19.09.2024
Location & Block plan		NONE	08.10.2024
Supporting Statement	Statutory Declaration : C King	NONE	02.09.2025
Supporting Statement	Statutory Declaration : C O'Halloran	NONE	02.09.2025
Supporting Statement	Statutory Declaration : R de Rouen	NONE	02.09.2025
Supporting Statement	Statutory Declaration : H Prior	NONE	02.09.2025
Supporting Statement	Statutory Declaration : W Sudan	NONE	02.09.2025
Supporting Statement	Statutory Declaration : L Wilshire	NONE	02.09.2025
Supporting Statement	Statutory Declaration : J Hollerin	NONE	02.09.2025
Supporting Statement	Statutory Declaration : J King	NONE	02.09.2025

Your right to appeal

Where your application to the Council has been refused or refused in part you may appeal under s195 of the Act to the Secretary of State for Communities and Local Government. Further details and appeal forms are available at **www.gov.uk/appeal-lawful-development-certificate-decision**.



Emma Parkes
Head of Development and Building Control

Date: 21/01/2025