Blackstone Gate Farm
Henfield Road
Albourne
West Sussex
BN6 9JJ

[redacted]

2nd January 2025

[redacted]

Town and Country Planning Act 1990
Appeal by Mr Jeremy Ventham
Planning Inspectorate Reference: APP/Z3825/X/24/3348498
Site address: Blackstone Gate Farmhouse, Henfield Road, Albourne, West Sussex BN6 9JJ

I am writing in response to Horsham District Council's (HDC) statement concerning the above-referenced appeal. I respectfully submit that the evidence provided clearly demonstrates continuous residential use of the property for a period exceeding four years, thus meeting the requirements for a Lawful Development Certificate.

Continuous Occupation:
The property has been in continuous residential use from 16th June 2019 to the present day, a period of five years and six months. This exceeds the four-year requirement for establishing lawful use of a single dwelling under Section 171B(2) of the Town and Country Planning Act 1990.

Addressing HDC's Concerns:
"Inconsistency" in rental payments: The work-for-rent arrangement with the first tenant does not negate residential use. The property remained the tenant's primary residence throughout this period. This arrangement is not uncommon and does not affect the nature of the tenancy.
"Ambiguity" regarding vacancy: The Notice Requiring Possession (NRP) provided in our July 2024 Statement of Case clearly shows the transition between tenants. There was no period of abandonment or change in material use.

"Unauthenticated" tenancy agreements: As per the Housing Act 1988, Assured Shorthold Tenancy (AST) agreements for less than three years do not require witness signatures. The tenancies meet all legal requirements for valid ASTs.

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Legal Framework:
Under Section 191(2) of the Town and Country Planning Act 1990, the use of a building as a single dwellinghouse becomes lawful if it has taken place for four years or more. The evidence provided demonstrates that this threshold has been met and exceeded.

Burden of Proof:
I submit that the evidence provided meets the "balance of probabilities" standard required for Lawful Development Certificate applications. The continuous residential use of the property for over five years is clearly established through the documentation provided.
In conclusion, I respectfully request that the Planning Inspectorate grant the Lawful Development Certificate based on the comprehensive evidence of continuous residential use exceeding the four-year statutory requirement.

I remain at your disposal should any further information or clarification be required.

Yours sincerely

Jeremy Ventham