

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1343	Case Officer:	Tracie Axford
Application Type:	Lawful Development Certificate -Existing		
Proposal:	Lawful Development Certificate to retain the use of a mobile home which has been on site and lived in for excess of 10 years.		
Site:	Mobile Home The Stud Bungalow, Wyndham Farm, Wineham Lane, Wineham, West Sussex, BN5 9AN, ,		
Validation Date	29 May 2026	Overall Expiry Date:	24 Jun 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	11 Sep 2026
Target Date:	24 Jul 2026	Recommending Officer Signature:	<i>Tracie Axford</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	11 Sep 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1343

**Mobile Home The Stud Bungalow, Wyndham Farm, Wineham Lane, Wineham, West Sussex, BN5 9AN,
Lawful Development Certificate to retain the use of a mobile home which has been on site and lived in for excess of 10 years.
Mr Robert Whitaker**

SUMMARY OF REPRESENTATIONS

None

SUMMARY OF CONSULTEES

None

TOWN/PARISH COUNCIL OBSERVATIONS

Twineham Parish Council made no response for this application

INTRODUCTION

The application seeks a Lawful Development Certificate under Section 191 of the Town and Country Planning Act 1990 for the retention of a mobile home known as The Mobile Home at The Stud Bungalow, Wyndham Farm, Wineham Lane, BN5 9AN

RELEVANT PLANNING HISTORY

DM/25/1851 - Certificate of existing use for part of stable building as residential accommodation on Land known as The Stud Bungalow. Permission 2025-09-08

DM/25/3007 - Certificate of existing use for a mobile home. Refused 06.02.2026

SITE AND SURROUNDINGS

The application site is referred to as The Mobile Home at The Stud Bungalow, Wyndham Farm, Wineham Lane, BN5 9AN. It is located on the north-western hedged boundary of this site.

To the north of site, there are fields whilst to the south of the site are further buildings with a hedged boundary on the southern boundary with the access track beyond. To the east of the site is the parking area with equestrian school beyond and to the west of the site is hedging to Foal barn beyond. The site is accessed via a cul-de-sac access track also serving Wyndham Farmhouse, The Bothy, The Barn, The Foal Barn and Wyndham Farm. The wider site is used for equestrian and stabling.

The site is within the countryside.

APPLICATION DETAILS

The application seeks a Lawful Development Certificate under Section 191 of the Town and Country Planning Act 1990 for the retention of a mobile home known as The Mobile Home at The Stud Bungalow, Wyndham Farm, Wineham Lane, BN5 9AN

The application is supported by the following schedule of documents:

- 1) A statutory declaration from Sarah Platt dated the 27th August 2026
- 2) A supporting letter (including photograph) from Sarah Platt dated the 19th August 2026 stating that the caravan/mobile home has been in place since 2015
- 3) A letter from Robert Whitaker regarding the visit from enforcement officers in October 2015
- 4) A supporting letter from Anna Perry dated 17th August 2026
- 5) An Invoice dated the 25th October 2016 for flooring
- 6) a supporting letter stating that on the 17th November 2025, the resident Derek McCoppin had lived there since the 10th January 2016
- 7) A Google Image dated 2018
- 8) A Planning Statement

LEGAL FRAMEWORK

Section 191 of the Town and Country Planning Act 1990 indicates that the burden of proof lies with the applicant. The relevant test is 'the balance of probability' and Local Planning Authorities are advised that if they have no evidence of their own to contradict or undermine the applicant's version of events there is no good reason to refuse the application provided that the applicants' version is precise and unambiguous to justify the grant of a certificate. This section also indicates that 'if on an application under this section, the LPA are provided with information satisfying them that the use or operations described in the application would be lawful, if instituted or begun at the time the application, they should issue a certificate to that effect; and in any other case they shall refuse the application'.

Time limits for enforcement set out in Section 171B of the Town and Country Planning Act 1990;

'(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of -

(a) in the case of a breach of planning control in England, ten years beginning with the date in which the operations were substantially completed, and

(b) in the case of a breach of planning control in Wales, four years beginning with the date on which the operations were substantially completed.

(2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of -

(a) in the case of a breach of planning control in England, ten years beginning with the date in which the operations were substantially completed, and

(b) in the case of a breach of planning control in Wales, four years beginning with the date on which the operations were substantially completed.

(2A) There is no restriction on when enforcement action may be taken in relation to a breach of planning control in respect of relevant demolition (within the meaning of section 196D).

3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

4) The preceding subsections do not prevent -

a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or

b) taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach.'

It should be noted that Section 171B of the Town and Country Planning Act 1990 was amended by section 115 of the Levelling-up and Regeneration Act 2023. The amendments in part removed the previous enforcement period in (2) of section 171(B) which was four years and replaced it with a 10 year enforcement period.

Section 115 of The Levelling-up and Regeneration Act 2023 includes transitional arrangements for this change which state that the alterations to section 171(B) made by the 2023 Act

'do not apply where -

(a) in respect of a breach of planning control referred to in section 171B(1) of the 1990 Act (5) (time limits), the operations were substantially completed, or

(b) in respect of a breach of planning control referred to in section 171B(2) of the 1990 Act (time limits), the breach occurred, before the day on which that section comes into force.'

Town and Country Planning Act 1990 (as amended)

Section 55:

(1) 'Subject to the following provisions of this section, in this Act, except where the context otherwise requires, 'development,' means the 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.'

The Caravan Sites and Control of Development Act 1960

Section 29(1) defines a caravan as '*...any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any other motor vehicle so designed or adapted, but does not include any railway rolling stock which is for the time being on rails forming part of a railway system, or any tent*'.

The onus of proof is firmly on the applicant and the standard of proof is the balance of probability. If there are contradictions in the applicant's evidence on material issues, then the LPA would be entitled to refuse the certificate.

ASSESSMENT

As this is not a planning application, the planning merits of the development are not relevant. The test is to establish on the balance of probabilities that what is being sought in the LDC has occurred. The submitted evidence must be precise in order for the LPA to clearly say in a certificate, exactly what is lawful.

On the application form, the applicant is asked to enter the Description of Existing Use, Building Works or Activity and has been completed as follows: *'A mobile home has been on site and lived in for in excess of 10 years, please refer to documents within this planning application.* The form then asks under what grounds the certificate is being sought. The applicant has selected, *'Where the use, building works or activity began before 25 April 2024, the use began more than 10 years before the date of this application.'*

The applicant seeks a Certificate of Lawfulness on the basis that a mobile home located at the site has been in continuous use as a single, self-contained residential unit for a period exceeding ten years and is therefore lawful by virtue of the passage of time.

The applicant has provided the following evidence in support of the application:

- 1) A statutory declaration from Sarah Platt dated the 27th August 2026
- 2) A supporting letter (including photograph) from Sarah Platt dated the 19th August 2026 stating that the caravan/mobile home has been in place since 2015
- 3) A letter from Robert Whitaker regarding the visit from enforcement officers in October 2015
- 4) A supporting letter from Anna Perry dated 17th August 2026
- 5) An Invoice dated the 25th October 2016 for flooring
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- 7) A Google Image dated 2018
- 8) A Planning Statement

The statutory declaration submitted by Sarah Platt includes a map stating the location of the mobile home to which she is referring. This corresponds with the mobile home seen on site. In the statutory declaration, she states that the following are true:

- 1) She was the previous property owner of Wyndham Farm Stud and the Mobile Home/Caraven
- 2) In November 2015, a mobile home/caravan was stationed on the land at the position X on the map.
- 3) The mobile home was occupied as a private residence by Mr Derek McCoppin.
- 4) The mobile home was connected to electricity/water/drainage/gas bottles via the main stud/farm, and contained kitchen/bathroom /bedrooms.
- 5) At no time was the mobile home/caravan unoccupied nor used for any other purpose other than residential occupation.

The supporting letter from Sarah Platt states that the caravan (in the photograph provided) has been in place since 2015. Comparing this photograph with more recent photographs of the site, it is highly likely that the photographs are of the same site. The mobile home in situ now however is different to that in the photograph from 2015. This discrepancy was raised in a previous application (DM/25/3007). During the course of the previous application, the applicant stated that the 'mobile home was replaced on the same day and was repositioned by a few metres and the residential occupation has been continuous and uninterrupted. No evidence has been produced to substantiate this claim.

The aerial photograph which has been provided has been taken from Google Earth Images. Following a site visit, the structure which was viewed on site does not appear to match that in the aerial photograph. Using Google Earth, aerial imagery was accessed and images of the site were checked. The most recent picture, dated 28th February 2025 shows a structure which matches the site plan and is included within the redline. It also matches with what has been viewed on site.

Two members of the Planning Investigations team visited the site on the 16th October 2025 on a different matter and noticed the structure. They were verbally informed that there was nobody living in it. Photographs were taken at the time which show its location and one photograph taken through the window suggests that it was not lived in. A letter from Mr Robert Whitaker has been included in this application stating he meant that there was nobody home at the time of the visit, and states that *'at no time did I say that nobody was living there.'*

The supporting letter states that Derek McCoppin has been living in the mobile home from the 10th January 2016 to the 3rd February 2020 and then from the 4th February 2020 to the present date.

With this in mind and in the absence of any contradictory evidence, it is considered that on the balance of probabilities, the building known as The Mobile Home at The Stud Bungalow, Wyndham Farm, Wineham Lane, BN5 9AN has been used for residential purposes for more than 10 years from the date of this application.

CONCLUSION

Overall, it is considered that there is sufficient weight of evidence submitted by the applicant which would indicate, on the balance of probabilities, that the property has been used as a residential dwelling for more than 10 years.

Decision: Permission

Case Officer: Tracie Axford