



**Town and Country Planning Act 1990 (As Amended)
Section 191**

Statement of Grounds

**Application for a Certificate of Lawful Existing Use in respect of the continued use of land
as a recreational cross-country driving course for 4-wheel drive vehicles**

At

Piccadilly Wood, Colwood Lane, Bolney, Haywards Heath, RH17 5QQ

On Behalf of:
Mr and Mrs Perver

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1 INTRODUCTION

Purpose of the Document

- 1.1 This statement has been prepared by Batcheller Monkhouse on behalf of Mr and Mrs Perver in support of an application for a Certificate of Lawful Existing Use relating to the continued use of land as a recreational cross-country driving course for 4-wheel drive vehicles on land at Piccadilly Wood, Colwood Lane, Bolney, Haywards Heath, RH17 5QQ.
- 1.2 The document sets out the background to the application and provides an analysis of the evidence presented to support the Applicant's assertion that:
- the land identified at Piccadilly Wood has been used as a recreational cross-country driving course for 4-wheel drive vehicles, available for private hire 7 days a week with monthly public open days, continuously since 2010, a period in excess of 10 years as required under Section 171B(3) of the Town and Country Planning Act 1990 (as amended and as it applied prior to 25 April 2024).

Application Documents

- 1.3 This application comprises the following documents:
- Statement of Grounds for Certificate of Lawful Existing Use and Development
 - Site Location Plan
 - You Tube video posts of 4-wheel drive days held at Piccadilly Woods covering period 2015-2025
 - Schedule of You Tube video post evidence for 2015-2025
 - Extract from Piccadilly Wood Facebook page confirming creation in April 2011
 - Mid Sussex District Council Non-Domestic Rates bills for the period 2015-2025 – rates bills reference the rateable site as Piccadilly Wood, Colwood Lane, Bolney and the rateable activity as "Off road driving centre".

- Mid Sussex District Council Invoices for Business COVID Grant payments during 2020 and 2021 addressed to Carol Perver at Piccadilly Wood, Colwood Lane, Bolney.
- Signed Affidavit of Carol Perver – applicant, landowner and operator of the 4wheel drive course
- Signed Affidavit of John Perver - applicant, landowner and operator of the 4 wheel drive cross country course
- Signed Affidavit of Jon Gale – acts as marshal for the course when the driving course is in operation and provides general assistance in running the course.
- Signed Affidavit of John Michael Smith – customer and regular visitor/user of the 4 wheel drive cross country course
- Signed Affidavit of Joseph Harrison - customer and regular visitor/user of the 4 wheel drive cross country course
- Letter from Sussex Cancer Fund dated 23 October 2018– reference charity 4wheel driving course event held at Piccadilly Wood.

2 **GROUND'S FOR CERTIFICATE APPLICATION**

Background

- 2.1. The land to which this application relates is identified outlined in red at Figure 1 below and is and comprises and area of woodland located on the western side of Colwood Lane in Bolney, Haywards Heath – known as Piccadilly Wood.

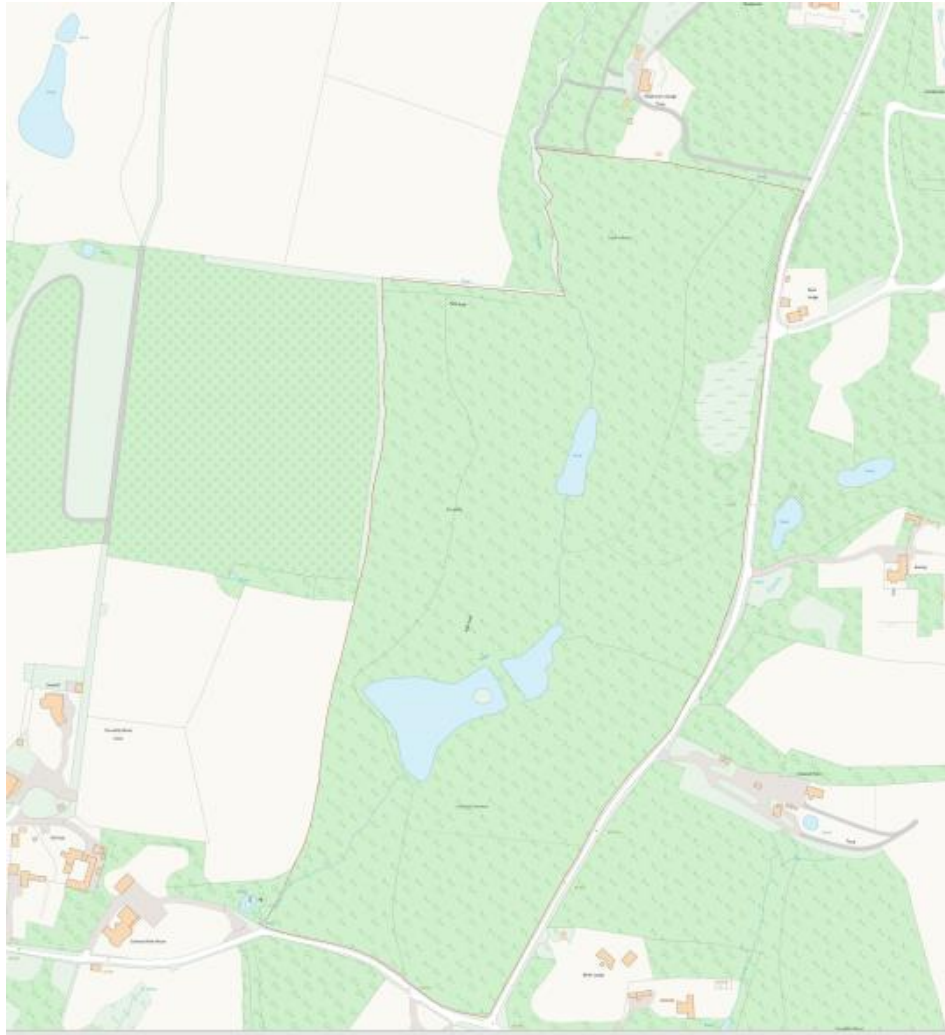


Figure 1: Site at Piccadilly Wood, Bolney

- 2.2. Carol and John Perver purchased the land at Piccadilly Wood, Bolney as shown outlined in red at Figure 1 on 2 November 1999. They started operating a recreational cross country driving course for 4-wheel drive vehicles across the land outlined at Figure 1 in 2007. Initially the course operated on a small number of days throughout the year to ensure that the activity could continue under the 28 days permitted development for planning purposes. However, the course became very popular as it is

the only publicly accessible cross-country course for 4-wheel drive vehicles locally. From 2007, open days were held every month where anyone could come along and pay on the day, no need to make a booking. This continues to the present day and is advertised as such on the website at <https://www.piccadillywood4x4.co.uk/>.

- 2.3. Private bookings started to be taken from 2010 and since then the open days have continued monthly and the course has been available for hire 7 days a week all throughout the year. The cross-country course has been operated on this basis now for 15 years.
- 2.4. Carol and John do not formally advertise the course. All attendance and bookings come through word of mouth and through the website and social media Facebook page - https://www.facebook.com/PiccadillyWood4x4Bolney?locale=en_GB. The Facebook page was created in 2011 and has been open ever since. The page provides the contact detail for bookings and Carol and John regularly post pictures of open days and other events on this forum. The Facebook page contains posts dating back to 2014.
- 2.5. The cross-country course at Piccadilly Wood attracts 4-wheel drive enthusiasts and many post videos of their days and events across the course on the You Tube website. Evidence of regular You Tube posts with videos of cross country rallying and driving at Picadilly Wood is presented across the period 2025-2015. There are however You Tube posts dating back further than 2015. A schedule of You Tube and Facebook posts is submitted along with direct weblinks to each video post.
- 2.6. The Piccadilly Wood 4x4 website confirms the basis upon which the course operates and the location. On open days, a mobile catering outfit come in to provide drinks and snacks to those using the course. They bring their own catering equipment on the day and take everything away with them. There are no catering facilities or equipment stored on the site.
- 2.7. The land outlined in red at Figure 1 on the attached plan has been used a recreational cross-country course for 4-wheel drive vehicles since 2007. The cross-country course has been available to hire 7 days a week throughout the year since 2010. Regular monthly open days have been held continuously since 2007. This use has exceeded 28 days in the calendar year since 2010 – a period of 15 years.

Evidence Presented.

- 2.8. Section 171B (3) of the Town and Country Planning Act 1990 (as amended) provides that *"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"*. This section of the Act would apply to breaches of planning control relating to the use of land.
- 2.9. The breach of planning control in this case is the use of the land shown outlined in red at Figure 1 as a recreational cross country driving course for 4-wheel drive vehicles without planning permission.
- 2.10. This application for a Certificate of Lawful Existing Use or Development seeks to confirm that the above breach has been occurring in the manner and intensity described, continuously, for a period in excess of ten years.
- 2.11. The evidence presented to support this application shows that the cross-country driving course was established on the land at Piccadilly Wood in 2007 but from 2010 has operated continuously being available for hire 7 days a week for private bookings with regular open days held once a month allowing the public to turn up and use the course without pre-booking.
- 2.12. Evidence is presented in the form of the course website and their Facebook page which was established in 2011 and has since recorded publicly available posts detailing the open days and private bookings for use of the course. The Facebook web page records posts of events, private hire days and users posts dating back to 2014 . Similar evidence of enthusiast videos detailing activity and use of the cross-country course are detailed on the You Tube web site and are regularly documented though every year from 2025 to 2010 and previous.
- 2.13. The schedule of You Tube/Facebook evidence provides posts from various dates throughout each year consecutively from 2015–2025. Whilst there is not a post for every month in every year, the range of posts submitted within each year period indicates that the cross-country course has been operating and the use of the land as described has been occurring.

- 2.14. The cross-country course is run as a commercial business and business rates are paid to Mid Sussex District Council in relation to this. Evidence of yearly business rates bills is presented for 2015-2025 which clearly refer to the rateable business as Piccadilly Wood and the nature of the rateable business as being an "off road driving centre".
- 2.15. Evidence is also submitted in the form of witness testimony from both Carol and John Perver as those owning the land at Piccadilly Wood since 1999 and operating the cross-country off-road driving course since 2007. Witness testimony is also provided by two regular customers/4-wheel drive enthusiasts who have been regularly using the driving course with their own 4-wheel drive vehicles for in excess of 10 years (12 and 15 years respectively). Testimony is also provided by Jon Gale who has worked with Carol and John Perver, acting as marshal across the course and providing assistance on public open days and private booking days since 2010.

Summary

- 2.16. Whilst the burden of proof in such applications lies firmly with the applicant as confirmed in the National Planning Policy Guidance (NPPG) document, the relevant test is the 'balance of probability' rather than the more onerous 'beyond reasonable doubt' test under criminal law.
- 2.17. The NPPG (006) advises that: *'in the case of application 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.'*
- 2.18. It is considered that on the balance of probability the evidence produced in support of this application suggests that the land shown outlined in red at Figure 1, has been used as a recreational cross country driving course for 4-wheel drive vehicles continuously in the manner and intensity described continuously since 2010 and for a period in excess of 10 years.
- 2.19. The evidence submitted is precise and unambiguous and justifies the grant of a Certificate of Lawfulness for Existing Use and Development as described.