



**Lawful Development Certificate
Supporting Statement**

Bolney Park Farm

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Bolney Park Farm - Lawful Development Certificate

Lawful Development Certificate Supporting Statement on Behalf of Maureen Rawlins

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1. Introduction

- 1.1 This statement is submitted in support of the Lawful Development Certificate (LDC) for the Existing Use of The Old Dairy as a separate and independent residential unit.
- 1.2 The Old Dairy has all the facilities for day to day living and is therefore capable of being occupied on a self-contained basis.
- 1.3 This application seeks to obtain a LDC as legal confirmation that the dwelling shown on the accompanying plan now lawfully operates as a separate self-contained residential unit on account of its continued use as such for more than 4 years.
- 1.4 It is considered that the evidence submitted demonstrates that the residential use of the building is lawful as it has been operating continuously in this use for over 4-years, which is the qualifying period as set out by Section 171b of The Town and Country Planning Act 1990.
- 1.5 Section 191(2) of the Town and Country Planning Act 1990 (TCPA) provides that *"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 requirements of any enforcement notice then in force." other reason); and
- (b) they do not constitute a contravention of any requirements of any enforcement notice in force."

2. Site Description

- 2.1 The Old Dairy is a property located in a rural location, but within the confines of surrounding agricultural and equestrian buildings. The site is broadly located to the south of Broxmead Lane and east of the A23.
- 2.2 The site is located within the parish of Bolney, which is a parish of predominantly rural nature, but the site benefits from being in close proximity to the neighbouring village of Bolney which is a sustainable settlement.

3. Site History & Background

Relevant Planning History

- 3.1 There is no directly relevant Planning History.

Background to the proposal

- 3.2 The applicant has provided Statutory Declarations in support of this LDC application, which sets out the background of the LDC.
- 3.3 No gaps in the tenancy of have occurred during this period The Old Dairy clearly has its own facilities and does not share any functional relationship or physical link with the main dwelling or the occupiers of Bolney Park Farm.
- 3.4 Given the facilities afforded to the property, the building cannot be considered to be an annexe, and is in fact a separate dwelling.

4. Relevant Planning Policy

- 4.1 As this is an application for a LDC for an existing use, consideration of the application is strictly limited to whether, “on the balance of probability” the use of the building is, or is not lawful. Therefore, such applications are not required to be considered against the policies of the Development Plan document. Furthermore, the planning merits of the LDC application cannot be taken into consideration.
- 4.2 In determining the LDC, the National Planning Practice Guidance provides that 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 is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probabilities.

Legal Background

- 4.3 Section 171b of the Town and Country Planning Act 1990 refers to situations where there has been a breach of planning control consisting in the carrying out without planning permission of building or other operations, and the change of use of any building to use as a single dwellinghouse, and this states that *‘no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.’*

Summary of Evidence

- 4.4 The above-mentioned extracts provide the legal basis for this application and consequently we have provided the following evidence to demonstrate that the building has been used as a separate residential unit of accommodation for a period in excess of 4 years.

5. Conclusions

- 5.1 We consider that the evidence submitted in support of the LDC is precise and unambiguous and sufficiently demonstrates, 'on the balance of probability', that the use of The Old Dairy as a separate residential dwelling is lawful given that it commenced in excess of 4 years preceding the date of the submission of the LDC application and has remained in continuous use thereafter. The use is therefore lawful by virtue of the time limits imposed by section 171b of the Town and Country Planning Act 1990.
- 5.2 It is our view that there are no overriding constraints to the proposal. The Old Dairy has its own facilities and is capable of and has been used as a separate residential unit for a significant amount of time.
- 5.3 We therefore consider that a Lawful Development Certificate should be issued for the existing use of The Old Dairy as a separate residential