

Mid Sussex District Council
Oaklands Road
Haywards Heath
RH16 1SS

27 October 2025

Dear Sirs

THE STUDIO, KEEPER KNIGHTS, CRAWLEY, WEST SUSSEX, RH10 3PB

This letter is submitted in support of the application for a Certificate of Lawfulness for the Existing Use of a building known as The Studio (and also known as The Studio Study) as a self contained dwelling. The Studio is located within the grounds of Keeper Knights, near Crawley.

The application is submitted on the basis that the use of The Studio as a separate dwelling began in or around 2016 to 2017 (the works to create the dwelling were carried out in 2016, and the occupancy by paying tenants began in 2017). Taking either measure (physical works or commencement of occupation), it is clear that The Studio has been in use as a dwelling for more than 4 years and so should be considered “lawful” with regard to time limits set out in the Town and Country Planning acts (as amended).

In addition to this letter, the application is supported by the following documents:

- Application forms
- Drawing 2560-102: Site Location Plan
- Drawing 2560-101: Block Plan
- Drawing 2560-100: Floor Plan
- Evidence: Statutory Declaration from applicant
- Evidence: 2016 Electrical Installation Certificate
- Evidence: 2016 Energy Performance Certificate
- Evidence: 2017 Tenancy Agreement for Treleaven and Sives
- Evidence: 2018 Tenancy Agreement for Karbowski and Szymanski
- Evidence: 2020 Deposit Guarantee for Karbowski
- Evidence: 2020 Tenancy Agreement for Rafello
- Evidence: 2022 Deposit Guarantee certification (ID: 24928959)
- Evidence: 2022 Tenancy Agreement for Mitchell
- Evidence: 2025 Notice for Possession of Property to Mitchell
- Evidence: 2025 Tenancy Agreement for Burtenshaw
- Evidence: Landlord Insurance Certificates from 2019 to 2023

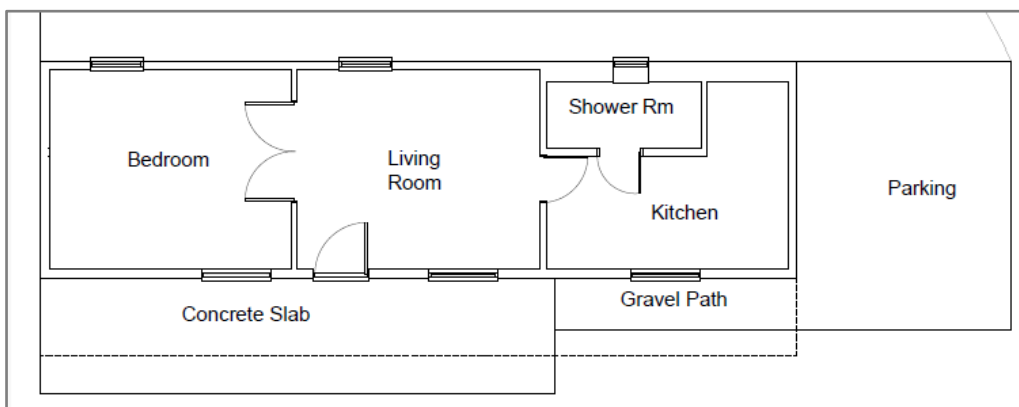
BACKGROUND

The Studio is a pre-existing outbuilding located within the grounds of Keeper Knights – a residential dwelling located off the Cophorne Road near Crawley.



Above – site location plan with The Studio highlighted with red arrow. Keeper Knights (main dwelling) highlighted with green arrow, and The Boathouse (another letting unit) highlighted with a blue arrow. Note that use of The Boathouse as a dwelling was confirmed under local authority reference DM/15/5039.

Works to convert the building into a dwelling were carried out in 2016, and rental of the unit commenced in 2017. The completed floor plan is shown below:



LEGAL BACKGROUND

A Certificate of Lawfulness for an Existing Use or Development should be granted if the time limits for taking enforcement action have expired (Section 191 of the Town and Country Planning Act). The time limits are set out at Section 171B(2) of the Act. The Act states that time limits for enforcement action include a period of 4 years for the use of a building as a separate dwelling house.

The Levelling-up and Regeneration Act 2023 has changed the time limits for enforcement action to 10 years for all forms of development (see Section 115 of the Act). However, transitional provisions apply – as confirmed by “The Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024”. These are:

- For breaches involving the change of use of any building to use as a single dwelling where the change of use took place before 25 April 2024, the time limit is four years from the date of the breach.

Consequently the relevant date (for commencement of the use) for the current application is four years from today (meaning 27 October 2021).

Government Advice on the issuing of Certificates of Lawfulness used to be contained in Annex 8 Circular 10/97 – “Enforcing Planning Control: Legislative Provisions and Procedural Requirements”. The guidance has now been replaced by National Planning Practice Guidance, from which the following policy references are relevant:

“Paragraph: 006 Reference ID: 17c-006-20140306

Who is responsible for providing sufficient information to support an application?

The applicant is responsible for providing sufficient information to support an application, although a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the planning status of the land. A local planning authority is entitled to canvass evidence if it so wishes before determining an application. If a local planning authority obtains evidence, this needs to be shared with the applicant who needs to have the opportunity to comment on it and possibly produce counter-evidence.

In the case of applications 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.”

"Paragraph: 008 Reference ID: 17c-008-20140306

Does a local planning authority need to consult on an application for a lawful development certificate?

There is no statutory requirement to consult third parties including parish councils or neighbours. It may, however, be reasonable for a local planning authority to seek evidence from these sources, if there is good reason to believe they may possess relevant information about the content of a specific application. Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application."

Paragraph 006 of the Guidance (see above) states that a Certificate should be granted unless contrary evidence makes the applicant's assertions "less than probable". This is in line with historic court decisions, as referred to in paragraph 8.15 of the aforementioned circular 10/97:

"Moreover, the Court has held (see F W Gabbitts v SSE and Newham LBC [1985] JPL 630) that the applicant's own evidence does not need to be corroborated by "independent" evidence in order to be accepted. If the LPA have no evidence of their own, or 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"."

Consequently it can be seen that, for the use of The Studio as a dwelling to be deemed lawful, there is a need to establish "on the balance of probability" that it first started being used as a dwelling at least 4 years ago. A discussion of the evidence that demonstrates the legal use "on the balance of probability" is provided below and overleaf.

EVIDENCE IN SUPPORT OF THE APPLICATION

Evidence to confirm that The Studio was converted into a dwelling more than 4 years ago is provided by the site's owner (and applicant) Mr Jonathan Bowers in the form of a statutory declaration dated 08 July 2025. He confirms that he has owned the site since 1997 and lived in the main Keeper Knights house ever since. Mr Bowers confirms that The Studio was already in existence when he purchased the site, and that he converted the building into a dwelling in 2016. He continues by stating that the premises began to be rented out to paying tenants after the conversion works were completed, with the first documentary evidence of rental being from 2017.

Mr Bowers then confirms the timeline of rental agreements with various tenants from 2017 through to present day.

The Statutory Declaration should be afforded significant weight – as it is a criminal offence to make a deliberately false or misleading remark in such documents. Furthermore, the timeline provided in the Statutory Declaration tallies with the documentary evidence provided in the application for the certificate of lawfulness:

2016 Electrical Installation Certificate and 2016 Energy Performance Certificate

These two documents confirm that works to convert Studio into a dwelling were carried out in 2016.

Note that the Electrical Installation Certificate confirms the presence of both a bathroom and a kitchen – both of which are required for the creation of an independent dwelling:

Energy Performance Certificate

The Studio Study, Copthorne Road, CRAWLEY, RH10 3PB

Dwelling type: Detached house
 Date of assessment: 26 June 2016
 Date of certificate: 04 August 2016

Reference number: 8966-7326-4660-3658-6922
 Type of assessment: RdSAP, existing dwelling
 Total floor area: 43 m²

Use this document to:

- Compare current ratings of properties to see which properties are more energy efficient
- Find out how you can save energy and money by installing improvement measures

Estimated energy costs of dwelling for 3 years:	£ 2,559
Over 3 years you could save	£ 1,251

The Energy Performance Certificate confirms the building as a “detached house”:

charwood electrical

ELECTRICAL INSTALLATION CERTIFICATE FOR SMALL INSTALLATIONS NOT EXCEEDING 100A

Contractor's Reference Number: N/A
 Approved Contractor: N/A

Type of Installation: Domestic Dwelling ☒ Highway Installation ☐ Leisure Accommodation Vehicle ☐ Modular Dwelling ☐ Transportable Unit ☐

Details of the Client/Manufacturer: Client and address: Mr J Bowers, N/A
 Address of the Installation/Location: Installation address: The Studio Study, Copthorne Road, Crawley West Sussex, Postcode: RH10 3PB

Details of the Installation: Extent of the installation work covered by this certificate: Electrical works carried out to The Studio Study: Kitchen & Shower.

Design, Construction, Inspection and Testing: I, being the person responsible for the design, construction, inspection and testing of the electrical installation (as indicated by my signature adjacent to particulars of which are described above, hereby CERTIFY that the said work for which I have taken responsibility is to the best of my knowledge and belief, in accordance with BS 7671, 2008 (amended to 2015) except for the departures, if any, detailed as follows: None

Signature: S. Neville, Name (CAPITALS): SEAN NEVILLE, Date: 08/08/2016
 Signature: G. Lockyer, Name (CAPITALS): GARY LOCKYER, Date: 08/08/2016

2017 Tenancy Agreement for Treleaven and Sives

This document confirms that The Studio has been rented out to paying tenants since at least July 2017. The rental agreement was for one year from 14 July 2017, though the tenants left earlier – allowing for the premises to be relet to mssrs Karbowski and Szymanski.

2018 Tenancy Agreement for Karbowski and Szymanski, and 2020 Deposit Guarantee

These two documents confirm that rental of The Studio continued with Karbowski and Szymanski in March 2018. Whilst their tenancy was for a year, they were able to continue residing at the premises (after expiry of the tenancy agreement) and did not vacate until December 2020. This is confirmed through the tenancy agreement (for start of residency) and the Deposit Guarantee paid at the end of the relevant period (December 2020):

DPS
Deposit Protection Service

Home | View tenancies | Create tenancy | Property portfolio | Payment summary | Reports | Your account | Log out

View claim

Deposit ID: 23057845
THE STUDIO STUDY, KEEPER KNIGHTS, COPTHORNE RD, CRAWLEY, WEST SUSSEX, RH10 3PB | Marcjanna Karbowski

Tenancy closed
All parties agreed (paid to tenant)

Below are the key dates relating to your claim. These can help you identify where you are in the claims process.

Claim start date
19/12/2020

Payment details	
Deposit amount:	£1,350.00
Total claimed amount:	£0.00
Amount in dispute:	£0.00
Amount already repaid	
Landlord/Agent:	£0.00
Tenant(s):	£1,350.00
Amount agreed for repayment	
Landlord/Agent:	£0.00
Tenant(s):	£0.00

[Go back to your tenancies](#)

2020 Tenancy Agreement for Rafello, and 2022 Deposit Guarantee certification (ID: 24928959)

This tenancy agreement confirms a new tenancy (to Ms G A Rafello) starting 19 December 2020 for one year.

As confirmed in the Statutory Declaration, Ms Rafello stayed living at the premises after her tenancy expired – eventually leaving in July 2022. As with the previous tenant (Karbowskiak), this is confirmed in her Deposit Protection Service Record – see extract below – which confirms departure in July 2022.

The screenshot shows the 'Manage your tenancy' page on the Deposit Protection Service website. A green handwritten note 'DEPOSIT PROTECTION SERVICE' is in the top right corner. The page includes a link 'Go back to your tenancies', the 'Deposit ID: 24928959', and a 'View claim' link. The property address is 'THE STUDIO STUDY, KEEPER KNIGHTS, COPTHORNE RD, CRAWLEY, WEST SUSSEX, RH10 3PB | Gabrielle Rafello'. It also states 'Tenancy closed' with 'All parties agreed (paid to tenant)' and 'Claim start date: 27/07/2022'. Under 'Tenancy documents', there is a link to 'View deposit certificate'.

Above: Deposit Protection Guarantee ID for Ms Rafello 27/07/2022

2022 Tenancy Agreement for Mitchell and 2025 Notice for Possession of Property to Mitchell

The Statutory Declaration confirms that the premises were refurbished once Ms Rafello left at the end of July 2020, with a new tenant (Mr Mitchell) starting his residency in October 2022. The two month break between Ms Rafello and Mr Mitchell's tenancies is not a material break in the use of the premises, as they were merely being refurbished during this period.

Mr Mitchell's occupancy from October 2022 to April 2025 is confirmed in the tenancy agreement (which is for one year) and finally the Notice of Termination of Lease that required his departure from the premises on 18 April 2025.

NOTICE REQUIRING POSSESSION OF A PROPERTY IN ENGLAND LET ON AN ASSURED SHORTHOLD TENANCY

FORM NO. 6A

Housing Act 1988 section 21(1) and (4) (as amended)

INFORMATION FOR THE TENANT

This notice tells you that your landlord requires possession of your home. You should read it carefully and seek advice about your circumstances as quickly as possible.

You are entitled to at least two months' notice before being required to give up possession of your home. In some circumstances a longer notice period may be required.

If you do not leave your home by the date given in section 2, your landlord may apply to the court for an order under Section 21(1) or (4) of the Housing Act 1988 requiring you to give up possession.

If you are worried about this notice, and what you should do about it, take it immediately to Citizens Advice, a housing advice centre, a law centre or a solicitor.

If you are a debtor and you are in a 'breathing space', you should inform your debt advisor.

If you believe you are at risk of homelessness as a result of receiving this notice, you should contact your local authority for support.

Free independent advice is also available from Shelterline on 0808 800 4444 or via the Shelter website at: <https://www.shelter.org.uk/>.

Further information about this notice and the possession process can be found at: <https://www.gov.uk/government/publications/understanding-the-possession-action-process-guidance-for-landlords-and-tenants>

1. To: Mr Gareth lee Mitchell
2. You are required to leave the below address after: 18.04.25

If you do not leave, your landlord may apply to the court for an order under Section 21(1) or (4) of the Housing Act 1988 requiring you to give up possession of: *The Study Studio, Keepers Knight, Copthorne Road, Crawley, West Sussex. RH10 3PB*

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2025 Tenancy Agreement for Burtenshaw

Following on from Mr Mitchell's exit, the Statutory Declaration confirms that the owner commenced finalising terms of a tenancy with a new tenant ready for occupancy in July 2025. The included tenancy agreement for Mr Burtenshaw confirms that he moved into the premises 24 July 2025. The two month gap between Mr Mitchell's and Mr Burtenshaw's tenancies does not amount to a material break in the use of the premises as such modest gaps are perfectly normal when properties are being rented.

Landlords Insurance

In addition to the above, note that we have also provided copies of landlord's insurance certificates to cover the four year period September 2019 to September 2023.

CONCLUSIONS

The above evidence all confirms that The Studio was converted into a dwelling in 2016 and has been occupied as separate dwelling since at least summer 2017. This is a commencement date that is significantly earlier than the “relevant date” for this application (which is 27 October 2021).

The applicant’s Statutory Declaration is corroborated by documentary evidence in the form of technical certifications, tenancy agreements, deposit guarantees and insurance certification.

Whilst evidence to support an application for a Certificate only needs to demonstrate that the use is lawful “on the balance of probabilities”, the evidence provided with the current application is closer to “beyond reasonable doubt”.

In the absence of any contrary evidence, there is nothing to make that the applicant’s assessment of events “less than probable”. Consequently, and in line with the judgement provided in *W Gabbittas v SSE and Newham LBC* [1985] JPL 630, the Certificate of Lawfulness for the use of The Studio as a separate dwelling should be issued.

Yours faithfully
LCP

Lewis & Co Planning

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