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For Official use

App No:

Date Rec:

Fee:

Application for a Lawful Development Certificate for an Existing Use or Operation or Activity, including those in breach of a planning condition

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)

Northing (y)

Description

Applicant Details

Name/Company

Title

Mr

First name

Martin

Surname

Brown

Company Name

Benbro Ltd

Address

Address line 1

5 Stanhope Cottages

Address line 2

Racecourse Road

Address line 3

Town/City

LINGFIELD

County

Surrey

Country

United Kingdom

Postcode

RH7 6PQ

Are you an agent acting on behalf of the applicant?

- ☐ Yes
- ☒ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

Reason for Lawful Development Certificate

Please indicate why you are applying for a lawful development certificate

- ☒ An existing use
☐ Existing building works
☐ An existing use, building work or activity in breach of a condition

Being a use, building works or activity which is still going on at the date of this application.

If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please select the relevant Use Class.

Other (please specify)

Description of Existing Use, Building Works or Activity

Please fully describe each existing use, building works or activity for which you want the lawful development certificate. Where appropriate, show to which part of the land each use, building works or activity relates

Drury Lodge is an HMO with 12 units licenced to house up to 20 tenants. We have provided the HMO licences issued by Mid Sussex District Council covering more than the past ten years.

It has been operating as an HMO for over sixty years, as demonstrated by the historic press cuttings provided.

It should therefore be in a sui generis use class.

Grounds for application for a Lawful Development Certificate

Under what grounds is the certificate being sought

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 use, building works or activity in breach of condition began more than 10 years before the date of this application
- ☐ The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- ☐ The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- ☐ The change of use to use as a single dwelling house began more than four years before the date of this application.
- ☐ Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

Where the use, building works or activity began on or after 25 April 2024

- ☐ The use, building works or activity began more than 10 years before the date of this application.
- ☐ The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years.
- ☐ Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation?

- ☐ Yes
- ☒ No

Please state why a Lawful Development Certificate should be granted

The evidence provided clearly shows that Drury Lodge is currently operating as an HMO (with 12 units and licenced for up to 20 tenants) and has been so for much longer that the ten-year limitation for any enforcement action.

As Drury Lodge has been licenced as an HMO by Mid Sussex District Council for more than the past ten years, there is clearly no question that this use has in any way been hidden.

The property has 12 units, each of which has its own kitchen facilities. In three of the units, the kitchen is in a separate room from the bed/sit area; in the other nine units the kitchen facilities and sleeping area are in the same room. The tenants share five shower rooms, one of which also serves as a utility room with three washing machines, a separate WC and the garden.

Drury Lodge was originally constructed as a single residence in 1895. However, it has been operating as an HMO since 1961 (if not earlier). The press cuttings we have provided include an estate agent's advertisement from 1982 which describes Drury Lodge as 'a select boarding establishment' with the same room configuration as it has now. Other press reports from various years clearly show that it has been used as what is now termed an HMO for over sixty years.

Benbro Ltd purchased Drury Lodge in 2020. The previous owner had owned and operated it as an HMO since 1988.

Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

01-01-1961

In the case of an existing use or activity in breach of conditions has there been any interruption?

- ☐ Yes
- ☒ No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?

☐ Yes

☒ No

Residential Information

Does the application for a certificate relate to a residential use where the number of residential units has changed?

☐ Yes

☒ No

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

☒ Yes

☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

☐ The agent

☒ The applicant

☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

☒ Yes

☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

***** REDACTED *****

First Name

***** REDACTED *****

Surname

***** REDACTED *****

Reference

Date (must be pre-application submission)

22/08/2025

Details of the pre-application advice received

I have looked into the history of the property and can find no evidence of planning permission being applied for to convert the property to a sui generis use which would have been required for an HMO for 7 or more people living together but not as a family unit. The existing use lawful use appears to be a C3 use, which was the use originally permitted however provided the current use has been in use for 10 or more consecutive years without a break then the breach of planning control may be immune from enforcement action through the passage of time. You can apply for a Lawful Development Certificate for an existing use for a formal determination on whether the existing use is lawful or not.

Interest in the Land

Please state the applicant's interest in the land

- ☒ Owner
☐ Lessee
☐ Occupier
☐ Other

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☐ Yes
☒ No

Declaration

I/We hereby apply for Lawful development: Existing use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Martin Brown

Date

03/09/2025