

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/2916	Case Officer:	Caroline Grist
Application Type:	Lawful Development Certificate -Existing		
Proposal:	The property is currently used as a single private dwelling, established over 10 years ago following a prior internal conversion to flats. We seek certification of the use as a single dwelling.		
Site:	Wykehurst House, Wykehurst Park, Colwood Lane, Bolney, Haywards Heath, West Sussex, RH17 5QQ,		
Validation Date	12 Nov 2025	Overall Expiry Date:	9 Dec 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	17 Feb 2026
Target Date:	7 Jan 2026	Recommending Officer Signature:	<i>Caroline Grist</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	18 Feb 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/2916

Wykehurst House, Wykehurst Park, Colwood Lane, Bolney, Haywards Heath, West Sussex, RH17 5QQ

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SUMMARY OF REPRESENTATIONS

None received.

SUMMARY OF CONSULTEES

None received.

PARISH COUNCIL OBSERVATIONS

None received.

INTRODUCTION

This application seeks a lawful development certificate to confirm the use of a building, known as Wykehurst House, as a single dwelling house.

RELEVANT PLANNING HISTORY

F/58/223 - Outline application. Conversion of mansion house to flats. Permission.

F/61/472 - Rehabilitation of ex flat and provision of 2 additional staff flats. Permission.

F/68/507 - Outline application. Demolition of house and development of site with block of new flats. Refused

F/68/507/A - Outline application. Conversion into 15 self-contained flats. Permission.

F/72/62 - Conversion of 11 self-contained flats and owners residence. Permission. ESCC.

B/BK/18/75 - Conversion to single dwelling and double garage. Permitted Development.

BK/1/91 - Garage. Permission.

BK/21/92 - Retaining walls due to unlevel site. Permission.

BK/27/78 - Sun room extension. Permission.

BK/24/83 - Change of use of parts of the basement ground floor and parts of first floor from residential into private prestige company office use (in one company) with car parking. Withdrawn.

BK/024/84 - Repair work to overcome damage caused by water penetration and dry rot. Alteration of existing window opening to form new stone mullioned window with casement lights. Permission.

BK/7/85 - Construct new bathroom / convert existing to shower room (flat 7). Permitted Development.

BK/007/90 - Glazing over internal courtyard. Permission.

DM/25/2172 - Internal alterations to form a family home, alterations to layout, including new partitions walls, new doors, architraves, skirting and cornicing. Pending consideration.

DM/25/2644 - External works within the grounds of Wykehurst House to include: Garden wall repairs, alterations to existing entrance gate, installation of new entrance gate and new plant equipment area. Pending consideration.

DM/25/2645 - External works within the grounds of Wykehurst House to include: Garden wall repairs, alterations to existing entrance gate, installation of new entrance gate and new plant equipment area. Pending consideration.

DM/25/2654 - Retrospective permission is sought for repairs to roof damage and missing tiles, replacement to lead work, installation of lightning protection, replacement of rotten timber windows timber framework and cracked or missing glass panes. Pending consideration.

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DM/25/3228 - Permission is sought for internal and external alterations including creation of new openings in existing walls, installation of new staircase and bridge to connect the two sides of the lightwell at second floor, installation of new architectural mouldings and other details, replacement of existing rooflight, and refurbishment of the Second Floor Lounge to include installation of new joists, ceiling and two new fireplaces into existing fireplace openings. Pending consideration.

DM/25/3229 - Permission is sought for internal and external alterations including creation of new openings in existing walls, installation of new staircase and bridge to connect the two sides of the lightwell at second floor, installation of new architectural mouldings and other details, replacement of existing rooflight, and refurbishment of the Second Floor Lounge to include installation of new joists, ceiling and two new fireplaces into existing fireplace openings. Pending consideration.

SITE AND ITS SURROUNDINGS

Wykehurst House is a two storey mansion, with attic and basement rooms, in the style of a French chateau. It is a stone building, with a tiled roof and has timber windows. Private gardens lie predominantly to the south of the house, with the access to the north that spans from Colwood Lane to the west and London Road to the east. A lodge house still remains at each access to the public highway. Situated further north are the Coach House and Stables as well as The Pump House, both of which have been converted to residential use.

Wykehurst House is a Grade II* listed building that lies outside of the built up area of Bolney and is therefore within the countryside. It is also situated within the High Weald Area of Outstanding Natural Beauty.

APPLICATION DETAILS

Wykehurst House, as set out in the submitted Planning Statement, is a building containing 14 bedrooms over three floors. Further rooms form part of the building, including in the basement, and there is private amenity space located predominantly to the rear.

In 1972 planning permission was granted for the change of use of the mansion to 11 flats and an owner's residence. The building was listed in May 1983 and the listing description identifies the property as '*New flats*'. It is currently under repair and in a single ownership. There is no planning permission for the dwelling to be returned to one dwelling.

The application sets out that that the property is currently used as a single private dwelling, established over 10 years ago following a prior internal conversion to flats. Certification is sought to demonstrate the use as a single dwelling.

The following information has been submitted as evidence as part of this application:

- Location Plan;
- Planning Statement;
- Property details from the Valuation Office Agency (part of HM Revenue and Customs);
- Archival newspaper 'cuttings'; and
- Statutory declaration from Charlie Willis.

Information has also been provided by the Council's Revenue Department who have confirmed that they have a record for Wykehurst House and from 10/01/1996 it was a Band H. Prior to this it was a band G from 01/04/93 - 10/01/96. It was also advised that the Valuation Office Agency confirm the property has had its current band from July 2006.

LEGAL FRAMEWORK

As this is an application to establish whether the building has been used as a single dwelling house and will be a legal decision, planning merits cannot be taken into account when considering this application.

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, England, are 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 the period of ten 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 dwelling house, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.*
- 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'.*

The above wording reflects changes to the time limits for enforcement action that came into effect on the 25th April 2024 as part of the Levelling Up and Regeneration Act 2023. Under the Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024, transitional arrangements have been clarified and provided any unauthorised change of use or operational development is substantially completed by 24th April 2024, then they would still become lawful after four years, i.e. by 24th April 2028, if not enforced against by the local planning authority. It is only such breaches that take place on 25th April 2024 onwards that would then be subject to the new ten-year period

The submitted Planning Statement sets out that they are seeking to demonstrate that the property has been in use as a single dwelling for over ten years.

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.

Planning Practice Guidance sets out that a LDC application needs to describe precisely what is being applied for (not simply the use class) and the land to which the application relates. Without sufficient or precise information, a local planning authority may be justified in refusing a certificate. This does not preclude another application being submitted later on, if more information can be produced (Paragraph: 005 Reference ID: 17c-005-20140306).

ASSESSMENT

In order to make a determination over this application it must be determined if there is evidence to show the building has been in continuous use as a single dwelling house for ten years.

The Planning Statement sets out the following in relation to the existing property:

'Although built as a single house in its own residential estate, much of the land has since been stripped out of the house ownership, and the house itself was significantly altered through conversion to flats.

Having been vacant for 26 years, local antiques dealer, James 'Jimmy' Doyle gained a preservation order from demolition and then purchased the property in 1971. Doyle set about gaining planning consents for the estate and its buildings, then sold them off to fund the restoration. In 1972, consent was given for internal conversion to create 12 flats, with the main residence for the Doyle family and the remaining 11 flats seemingly sold off to generate further funds. A new entrance door, stair and lift were added at this time, to provide independent access to the 'private' flats, separated from the family's accommodation.

In 1978 Doyle sold the main residence (the Doyle family 'flat') to Ebrahim Golestan, who owned the property to old age and its recent sale in late 2024. It is understood that since the initial purchase, Golestan slowly acquired the various flats to once again bring the property into one single ownership. However, the interior was not significantly altered to restore the former grandeur'.

Newspaper clippings from 1981 to 1994 have been provided, during the course of the application, that relate to sales adverts and articles.

The first article is from July 1981 and sets out that:

'During their term of ownership, Mr. and Mrs. Doyle converted the top floor into 12 flats, with a private entrance hall, lift and service areas'.

The last article, dating from October 1994, states:

'These and the majority of the 11 bedrooms on the first floor all face south to take advantage of the outstanding views to the Downs.

There are seven self-contained flats on the second floor and an extensive lower ground floor in a mansion of over 26,000 sq ft'.

This article would indicate that, whilst there were fewer flats at the property, the house was still subdivided and did not form a single dwelling.

A statutory declaration was additionally submitted from the agent who assisted in the sale of the property to the applicant in 2024. He acted for the couple selling the property. It sets out that the previous owners bought the house in the early 1980's, with a few owner occupiers in a few of the flats, which they subsequently bought. It is thought that they likely completed and had full use of the building by the 1990's. Overall it is thought that Wykehurst House has been used, in its entirety, as a single dwelling since the 1980's/1990's.

From the information available, it is considered unlikely that the property was in use as a single dwelling in the 1980's. The evidence does, however, suggest that from a point, after October 1994, the property was used as a single dwelling. Whilst the Council Tax records do not definitively demonstrate when the property was in a single use, it is noted that the tax band changed from G to H in 1996 and, additionally, the Valuation Office Agency shows the property has had its current band from July 2006. The Local Planning Authority has no evidence to the contrary to dispute these points.

CONCLUSION

It is considered that the applicant has established on the balance of probabilities that the building known as Wykehurst House has been used as a single dwelling house for more than ten years from the date of the Lawful Development Certificate application. A certificate for lawful use can therefore be issued.

Decision: Permission

Case Officer: Caroline Grist

