

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/1500	Case Officer:	Tracie Axford
Application Type:	Lawful Development Certificate -Existing		
Proposal:	To demonstrate a lawful start has been undertaken on the site in the form of digging a trench and excavation works.		
Site:	The Gardeners Arms, Selsfield Road, Ardingly, Haywards Heath, West Sussex, RH17 6TJ, ,		
Validation Date	16 Jun 2026	Overall Expiry Date:	14 Jul 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	21 Aug 2026
Target Date:	11 Aug 2026	Recommending Officer Signature:	<i>Tracie Axford</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	21 Aug 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/1500

**The Gardeners Arms, Selsfield Road, Ardingly, Haywards Heath, West Sussex, RH17 6TJ,
To demonstrate a lawful start has been undertaken on the site in the form of digging a trench and
excavation works.
Hall And Woodhouse Ltd**

SUMMARY OF CONSULTEES

None received.

PARISH COUNCIL OBSERVATIONS

Ardingly Parish Council - no objection

INTRODUCTION

The proposal is seeking a Lawful Development Certificate under section 191 of the Town and Country Planning Act 1990, as to whether the works permitted under planning permission DM/22/1680 have lawfully commenced at The Gardeners Arms, Selsfield Road, Ardingly, RH17 6TJ.

RELEVANT PLANNING HISTORY

DM/26/0224 - Discharge of condition nos. 3, 4 and 6 relating to planning application DM/22/1680. Permitted 04.06.2026
DM/22/1680 - Erection of guest accommodation block with associated parking, infrastructure and landscaping works. (Amended plans received 14.02.2023)

SITE AND SURROUNDINGS

The application site is located to the south of The Gardeners Arms, a Grade II Listed Building, within an area currently used as an overflow car park. With the commercial premises, Little London garage, and the residential dwelling, 3 West View Cottages, are located to the southern (side). The eastern (rear) of the site backs onto a wooded area, with car parking to the western (front) leading onto Selsfield Road.

The application site is designated within the Mid Sussex District Plan as being within the Countryside, High Weald Area of Outstanding Natural Beauty and within the setting of a Listed Building.

APPLICATION DETAILS

The application is seeking a Lawful Development Certificate under section 191 of the Town and Country Planning Act 1990 as to whether the works permitted under planning permission DM/22/1680 have lawfully commenced. The permission relates to the Erection of guest accommodation block with associated parking, infrastructure and landscaping works and permission was issued 16.06.2023.

The application documents accompanying this application include:

- Covering Letter
- Application Form
- Site Location Plan
- Photographs showing the work undertaken
- Dated invoice detailing the initial works from Turvey Construction

RELEVANT LEGISLATION

As this is an application to establish whether planning permission DM/22/1680 has been implemented and will be a legal decision, development plan policies are not applicable when considering this application.

Section 56 (2) The Town and Country Planning Act 1990 relates to the time and implementation of development and states that 'development shall be taken to be begun on the earliest date on which any material operation comprised in the development begins to be carried out.'

Section 56 (4) lists what is meant by 'material operation':

"In subsection (2) "material operation" means—

- (a) any work of construction in the course of the erection of a building;
- (aa) any work of demolition of a building;
- (b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;
- (c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);
- (d) any operation in the course of laying out or constructing a road or part of a road;
- (e) any change in the use of any land which constitutes material development."

ASSESSMENT

The evidence that has been provided includes photos which show that excavation works have started and included the digging of a trench. The photos confirm the location of the trench that was dug which corresponds with the intended location of the proposed development. A visit to site confirmed that the trench has been since back filled to allow for some temporary car parking required on site during peak trading season.

The works are considered to constitute a material operation as defined by section 56 (4) (b) of the Town and Country Planning Act in that it can be classed as the digging of a trench which is to contain the foundations, or part of the foundations, of a building. The submitted documents also state that the works were completed in June 2026. All dischargeable conditions relating to DM/22/1680, have been discharged'

With this in mind and in the absence of any contradictory evidence, it is considered that on the balance of probabilities, a material operation has been carried out within the specified time frame for planning permission DM/22/1680. Planning permission DM/22/1680 is therefore considered to have been lawfully implemented and a certificate can be issued to this effect.

CONCLUSION

The works carried out on site are considered to constitute a material operation in accordance with section 56 of The Town and Country Planning Act 1990 as amended and have been carried out within the time limit for the planning permission. It is therefore considered that planning permission DM/22/1680 has been lawfully implemented.

Decision: Permission

Case Officer: Tracie Axford