

Sherlocks, Cross Colwood Lane, Bolney, West Sussex RH17 5RX

Mr S Galyas
Assistant Director of Planning & Sustainable Economy
Planning Department
Mid Sussex District Council
Oaklands Road
Haywards Heath
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RH16 1SS

BY EMAIL: Stefan.galyas@midsussex.gov.uk

26 June 2025

Dear Mr Galyas

Re: DM/25/1328: Application for a certificate of lawful existing use (CLEUD) in respect of the continued use of land for recreational cross-country driving course for 4-wheel drive vehicles on Land South of Shepherds, Colwood Lane, Bolney RH17 5QQ

We are writing in connection with the above application. We have received a letter from yourselves dated 6 June 2025 providing that our comments must be received before **27 June 2025**.

We live within 150 metres of the land that is subject to this application and regularly drive up and down Colwood Lane during the week to go to work, and during weekends for other activities. We also regularly walk our dog up and down Colwood Lane, which includes passing the gated entrance to the application site.

We have lived in our current house since 2017 and have continually undertaken the above journeys for the entirety of that time.

We can categorically confirm that the occasions of the 4x4 course being in use is no more than once a month. It is very evident when the course is being used. The gates to the site are open (when ordinarily they are closed), there are vehicles parked in the area immediately inside the gate (when ordinarily there are none) and there is a sign put up at some point in the vicinity of the course- hand made on a piece of wood on which is handwritten "4 x 4". Depending on what time we are making my journeys on Colwood Lane, we also meet 4 x 4s, either being driven or on the back of trailers, travelling towards or leaving the site. It can be very clear that they have been taking part on the cross-country driving if the weather has been wet as they will be covered in mud. Also, on days when the course is open the road also can get very muddy. As our journeys up and down Colwood Lane are very frequent, we have a clear recollection of how often we see that the course is open and being used.

We also live sufficiently close to the site to hear from my garden the sound of engines and vehicles revving, and some shouting from the site when it is open and being used. We spend time in our garden most weekends all year round so have a clear recollection of how often we can hear the site being used.

Given the above we can say with absolute confidence from our direct knowledge that the course is not open and/or being used as frequently as the applicant has alleged, and in fact it is open and being used no more than once a month and very occasionally twice in one month. It is like clockwork in that it is open and being used on the first Sunday of each month for the majority of months in the year. We can predict in advance when we will encounter the sound and sight of the course being used as we have outlined above because it is so timetabled- on first Sunday of the month.

Other residents of Colwood Lane, Jeremy's Lane and Cross Colwood Lane surrounding the site have collaborated this experience of the limited use of the site. Indeed, we have effectively policed the limited use as any excess usage and/or material deviation from the long-established 9 – 12 days per annum use on the first Sunday of the month would have resulted in an immediate formal complaint to MSDC Planning Authority by ourselves, and other such residents.

In the circumstances, contrary to the applicant's assertion that the land has been used in the manner described for more than 28 days per annum over a 10-year period, this is untrue. The land has not been used (hired and operated) for any more than 12 days per annum over a 10-year period, and certainly not 7 days a week at any time over any period.

Our experience of the course being open and/or used is in line with what is also evident from the Piccadilly Wood website which references the course being open on the first Sunday of every month. This, again, is also reflected in the Piccadilly 4X4 Facebook page posts covering each event in every month. These posts do not evidence, and indeed contradict, the claim that the course has been operating and in use as described by the applicant. As has been set out in other representatives' letters, the Facebook posts provide an average of 1 day per month or 12 days per annum. This accords with my experience.

It is evident from the above therefore that the site has been used less than the 28-day rule for permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015, Class B: temporary use of land. Indeed, it can be fairly assumed that the applicant has expressly used the site within the confines of Class B under the 2015 Order precisely to avoid being in breach of planning control. It is notable that the applicant has referenced the "mobile" catering on site on event days- further evidence of the applicant's actions keeping within the confines of Class B which allows the use of moveable structure on the land for the permitted temporary use. No permanent structures are evident on the site at all.

The application is for a lawful development certificate certifying that the existing use of the land or operations carried out on it is lawful. Lawful use is use against which no

enforcement action can be taken (Section 191(2) TCPA 1990). The applicant is relying on their "evidence" that the use of the site in excess of 28 days per annum has continued for 10 years and as a consequence of that period of time passing, enforcement action can no longer be taken. However the fact is the limited occasional use of the land as a driving course falls within permitted development and it is for this reason no enforcement action has been taken. At any point (which is yet to happen) the land is used in excess of the limits of permitted development, enforcement action can still be taken, but such excessive use is yet to occur.

The Applicant has provided no evidence in support of its contention that the site has at any point operated in excess of 28 days per annum. There is no supporting documentary evidence, nor any social media evidence to support the events or use of the land outside those events listed on the Facebook page once each month.

There is therefore no legal basis on which the application should succeed. The use for the entire time I have lived in the vicinity has been well within the permitted development allowance under the 28 day rule, and there is no contrary evidence whatsoever which supports the contention that the land has been available and/or used 7 days per week.

The supporting statement which accompanied the application does not claim that there has been actual use of the site beyond the permitted 28 days. It merely claims that the site has been "*. . . available for hire 7 days a week all throughout the year.*"

A mere willingness to use land in a particular way cannot amount to the carrying out of a material change of use in breach of planning control for the purposes of enabling the Council to take enforcement action. It cannot be correct for the applicant to claim that the Council could have taken enforcement action against this site within the last 10 years, when the site was operating within the limits of the permitted development rights, simply because the owner might have allowed the site to be used in excess of those rights.

It will be noted that the supporting statement acknowledges that the owners "*do not formally advertise the course*" and that "*All attendance and bookings come through word of mouth and through the website and social media Facebook page.*" (para 2.4).

Accordingly there has been no breach of planning control and therefore no legal basis for a certificate of lawful existing use.

To find otherwise, and grant such a certificate despite the above, would have the effect of granting full planning permission for change of use of woodland in an AONB to a 7 day a week 4X4 centre without the requirement for any planning application, environmental impact assessment, or highways consideration. The applicants have never applied for planning permission for, what appears to be, the obvious reason it would very likely be unsuccessful.

In the circumstances we invite the planning department to refuse the application.

Yours faithfully

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