



JMS PLANNING & DEVELOPMENT

STATEMENT IN SUPPORT OF A CERTIFICATE OF LAWFULNESS

TO CONFIRM EXISTING DEVELOPMENT
(STABLE BLOCK)

AT

WEST RIDDENS
CUCKFIELD ROAD
ANSTY
WEST SUSSEX
RH17 5AJ



Client: Patricia Estridge
Project: Certificate of Lawfulness (Existing)
Date: October 2026

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APPENDICES

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SECTION 1: INTRODUCTION

- 1.1 This Statement has been prepared on behalf of Patricia Estridge ('the Applicant') by JMS Planning in respect of an application for a Certificate of Lawfulness of Existing Development ('CLEUD') submitted to Mid Sussex District Council ('the Council'). The application seeks a formal determination under Section 191 of the Town and Country Planning Act 1990 (as amended) confirming that the stable block located at West Riddens, Cuckfield Road, Ansty, West Sussex, RH17 5AJ ('the Site') is lawful in its existing form.
- 1.2 The stable block forms part of the wider West Riddens estate, a substantial residential holding comprising the main house, a coach house with flat, garages, a leisure complex, a haybarn, formal gardens, woodland and paddocks. The stable block is physically separate from the main house and sits within the curtilage of the residential estate.
- 1.3 The stable block is a timber-framed building supported on brick base walls with a concrete foundation and a pitched roof. The Gould Baxter Building Survey undertaken in November 2025 confirms that the building is of considerable age and has remained in situ for several decades. The building is in a dilapidated condition but retains its original footprint and form.
- 1.4 Historic planning records dating from 1949 to 1972 confirm that the stable block does not correspond entirely to the 1965 approved plans for stables and a barn. The existing building is longer, has different openings and a different internal layout. No subsequent planning permissions exist for the construction or alteration of the stable block. The building must therefore have been constructed without being in full accordance with the approved plans from 1965 and has since acquired lawfulness through the passage of time.
- 1.5 This Statement sets out the comprehensive justification for the Certificate and confirms that, on the balance of probability, the stable block has existed in its current form for well in excess of the statutory immunity period and is therefore lawful operational development.
- 1.6 In support of this Certificate of Lawfulness, the following documents have been submitted:
 - Application Form
 - Application Fee
 - Build Survey Report (Gould Baxter)
 - Affidavit of Cleaner
 - Photographic Evidence
 - Satellite Imagery
- 1.7 The requisite planning application fee has been paid. As the cottage is within the ownership of the Applicant, no notice is required to be served.

SECTION 2: THE SITE AND SURROUNDING AREA

- 2.1 The Site consists of the West Riddens estate, a substantial residential holding located on the eastern side of Cuckfield Road between Hurstpierpoint and Ansty. The estate extends to approximately 28 acres and comprises a mixture of formal gardens, woodland, paddocks, agricultural land, a lake and several ancillary buildings including the stable block which is the subject of this Certificate of Lawfulness.



Figure 1 – Satellite Imagery of Main Dwellinghouse and Stable Block to the East (Located within Red Area) (Source: Google Maps)

- 2.2 The stable block is positioned to the east of the main house, adjacent to the paddocks and internal estate tracks. It is physically detached from the principal dwelling and sits within an area historically used for equestrian purposes.



Figure 2 – Image of Stable Block

- 2.3 The Gould Baxter Building Survey undertaken on 12 November 2025 provides a detailed description of the stable block's construction. The building comprises a timber-framed structure supported on brick base walls, sitting on a concrete base. The survey notes that the building is in a dilapidated condition and will require extensive repair or rebuilding.
- 2.4 The survey confirms that the building has remained in situ for a significant period of time. The timber framing shows signs of weathering, and the external cladding exhibits deterioration consistent with long-term exposure. The roof structure remains intact but requires maintenance.
- 2.5 The stable block benefits from mains electricity and water connections. Internal partitions and fittings are consistent with historic equestrian use, although many elements are now in poor condition.
- 2.6 The surveyor estimates that the stable block is of considerable age, consistent with a structure that has existed for well over ten years. This aligns with historic photographic and mapping evidence showing the building in situ over a significant period of time.

SECTION 3: PLANNING HISTORY

- 3.1 A review of historic planning records held by Mid Sussex District Council has been undertaken and sets out the relevant planning history for the estate. The historic records span the period from 1949 to 1972 and include the following:

1949: Drive Entrance (Approved)

Permission was granted for alterations to the drive entrance at West Riddens. This permission relates solely to access works and does not reference any stable block.

1958–1959: Proposals for Additional Cottages (Refused / Dismissed)

Two historic applications sought permission for agricultural workers' cottages and later a single dwelling. These applications do not relate to the stable block.

1965: Stables and Barn (Approved)

Permission was granted for a stable block and barn situated elsewhere on the estate. The approved plans show a stable block of a particular size and configuration. The existing stable block, however, does not correspond fully with the approved plans. It appears to be longer than the authorised building and includes additional openings. The layout and form of the building differ from the approved plans. Figure 3 below shows the approved plans. The full set of plans can be found in Appendix 1.



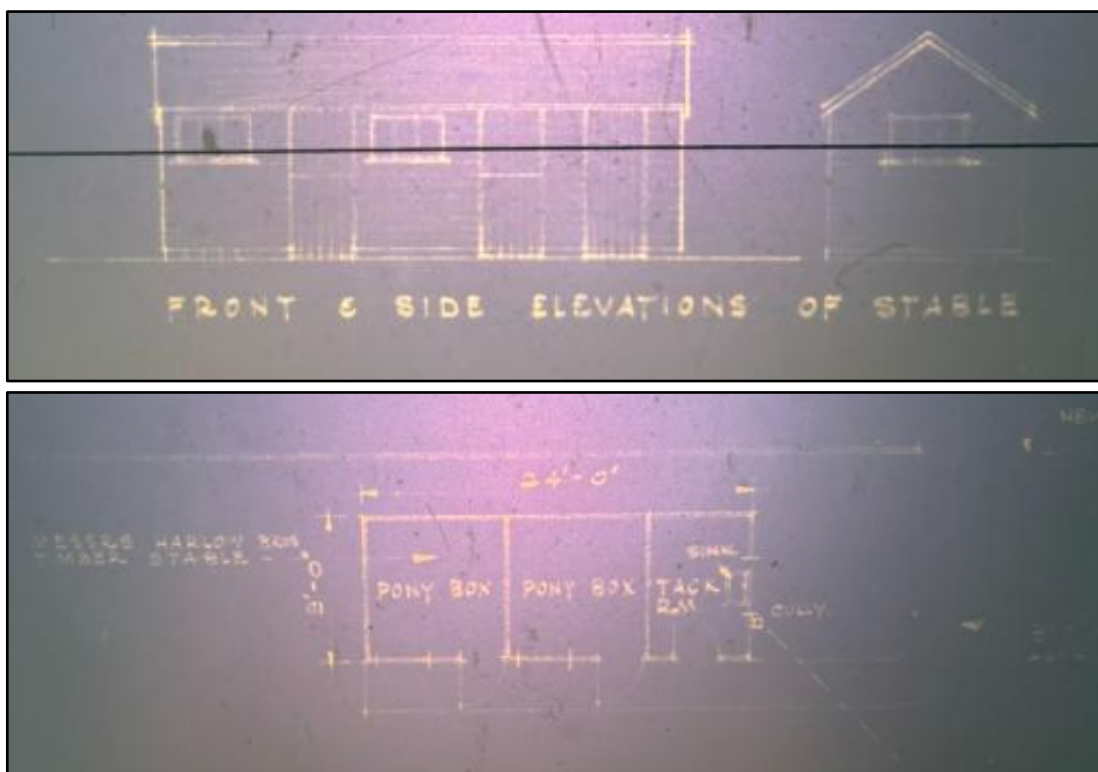


Figure 3 - Approved Stable Block (and Barn) Plans

Although the existing stable block does not correspond fully with the 1965 approved plans, its siting and general form suggest that construction was undertaken with reference to the authorised scheme. However, the final building diverges materially from the approved drawings in length, openings and internal layout, indicating that the development was not carried out in full accordance with the permission and has instead acquired lawfulness through the passage of time.

1972: Haybarn (Approved)

Permission was granted for a haybarn, supported by a Notice of Commencement. This relates to a separate building.

- 3.2 No subsequent planning applications relating to the stable block have been identified. The building has remained in situ for several decades and has been used for equestrian and domestic storage purposes throughout that time. The structure must therefore have been constructed without the benefit of planning permission in its current form but has since become lawful, having achieved immunity from enforcement action through the passage of time.



SECTION 4: LEGAL APPROACH

Certificate of Lawfulness of Existing Use or Development

- 4.1 A Certificate of Lawful Existing Use submitted under Section 191 of the TCPA 1990 (as amended) must be granted where the Local Planning Authority ('LPA') is provided with information satisfying them of the lawfulness, at the time of the application, of the use described in the application. In all other cases, they must refuse the application.
- 4.2 The approach to Lawful Development Certificates is considered specifically within the National Planning Practice Guidance ('NPPG'). It is confirmed that anyone can apply to the LPA to obtain a decision on whether an existing use or development, or a proposed use or development is lawful for planning purposes or not.
- 4.3 If the LPA is satisfied that the appropriate legal tests have been met, it will grant a Lawful Development Certificate. It is confirmed that an 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.
- 4.4 The Applicant is responsible for providing sufficient information to support an application, although an LPA always needs to co-operate with an Applicant who is seeking information that the authority may hold about the planning status of the land. An LPA is entitled to canvas evidence if it so wishes before determining an application. If the LPA 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.
- 4.5 In the case of applications for an existing use, if the LPA 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.
- 4.6 This has been supported by the Courts which have held that an applicant's own evidence does not need to be corroborated by '*independent*' evidence in order to be accepted (F.W. Gabbittas v. S.F.E. & Newham LBC [1985]). It is noted that this test '*on the balance of probability*' is significantly less onerous than the criminal test of '*beyond reasonable doubt*'. It is confirmed that an LPA needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage.



The Definition of Development and Operational Development

- 4.7 Section 55(l) of the TCPA 1990 sets out that planning permission is required for the carrying out on land of any development, with Section 57(l) defining 'development' to mean

'Subject to the following provisions of this section, in this Act, except where the context otherwise requires, "development" means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land'.

- 4.8 In the context of this application, the construction and historic alteration of the stable block constituted operational development. The building is a permanent timber-framed structure supported on brick base walls with a concrete foundation, located within the curtilage of the main dwellinghouse at West Riddens. Its construction therefore falls within the definition of development under Section 55.

- 4.9 Section 55(1A) specifies that 'building operations' include:

- a) demolition of buildings;
- b) rebuilding;
- c) structural alterations of or additions to buildings; and
- d) other operations normally undertaken by a person carrying on business as a builder.

- 4.10 The stable block clearly falls within this definition. Although the building is now in a dilapidated condition, the Courts have confirmed that deterioration, vacancy or non use does not prevent a building from being operational development, nor does it prevent immunity from being acquired through the passage of time.

Continuity of Existence

- 4.11 The Courts have confirmed that vacancy does not break continuity. A building may remain lawful even if unused for periods of time, provided it has not been demolished or materially altered.
- 4.12 The stable block has remained physically present in its current condition for well over ten years. The building has remained unchanged for several decades, notwithstanding its dilapidated state.

Summary of Legal Position

- 4.13 The legal tests for a CLEUD are satisfied where:

- The development has existed for the relevant immunity period;



- The applicant's evidence is precise and unambiguous; and
- The LPA has no evidence to contradict the applicant's case.

4.14 The stable block meets the above criteria. The evidence demonstrates that the building has existed in its current form for well in excess of the statutory immunity period. There is no evidence to contradict the applicant's case.

4.15 Accordingly, on the balance of probability, the stable block is lawful operational development.



SECTION 5: APPLICATION OF CASE LAW TO THE PROPERTY

- 5.1 This Section applies the legal principles set out in Section 4 to the specific circumstances of the stable block at West Riddens. The question for the Local Planning Authority (“LPA”) is whether, on the balance of probability, the stable block constitutes lawful existing operational development by virtue of the passage of time.
- 5.2 As confirmed in *Gabbittas*, the applicant’s evidence does not need to be independently corroborated. The LPA must accept the applicant’s version of events unless it has evidence of its own, or from third parties, to contradict it. In this case, the LPA holds no evidence to suggest that the stable block was constructed within the last four or ten years, nor evidence to contradict the applicant’s position that the building has existed for at least 25 years.
- 5.3 The stable block is a permanent timber-framed structure with brick base walls and a concrete foundation. These physical characteristics demonstrate that the building is fixed to the land and constitutes operational development.
- 5.4 The stable block has remained physically present in its current form for several decades, as confirmed by the Gould Baxter Building Survey and historical imagery. The building has not been materially altered during this period. Its dilapidated condition does not break continuity of existence.
- 5.5 The stable block is located within the curtilage of the main dwellinghouse and has historically been used for equestrian and domestic storage purposes. Whilst the building has historically served incidental domestic and equestrian storage functions associated with the main dwellinghouse, the physical structure has achieved statutory immunity from planning enforcement action through the continuous passage of time. This application therefore seeks to confirm the lawfulness of the stable block as a physical structure (as operational development).
- 5.6 Applying the statutory tests and relevant case law, the stable block constitutes operational development that has existed for well in excess of the statutory immunity period. On the balance of probability, the building is lawful.



SECTION 6: JUSTIFICATION FOR ISSUING A CERTIFICATE

6.1 This Section sets out the evidence submitted to justify, on the balance of probability, that the stable block is lawful in its existing form. The evidence demonstrates that the stable block has been present for well over ten years and has not been materially altered during that period.

6.2 The following evidence is submitted which will be discussed in turn below.

- Build Survey Report (Gould Baxter)
- Affidavit of Cleaner
- Photographic Evidence
- Satellite Imagery
- Planning History

Build Survey Report (Gould Baxter)

6.3 A Building Survey Report (Appendix 2) was prepared in November 2025 for the Applicant, for the purpose of purchasing the property. The report confirms that there is stable within the grounds.

Affidavit of Cleaner

6.4 An affidavit has been prepared by a retained cleaner at the property (Appendix 3). The document states that the cleaner has worked at the property since 2020 and confirms that the stable block was already present and in situ.

Photographic Evidence

6.5 A site visit was conducted in May 2026 by JMS Planning. The images show the stable block as in situ (Appendix 4).

Satellite Imagery

6.6 The satellite imagery (Appendix 5) has been extracted from Google Earth. The images prove that the stable block has been in situ since at least January 2001.

Planning History

6.7 Historic planning records indicate that the stable block may have been constructed with reference to the 1965 approved plans for stables and a barn, although the existing building does not correspond fully with the authorised design. The evidence suggests that works were undertaken in relation to the approved scheme but not in full accordance with the approved drawings, resulting in a structure that has remained in situ for several decades and has since acquired lawfulness through the passage of time.

Summary

- 6.8 There is no evidence to contradict the applicant's case. The LPA holds no records of the stable block being constructed or altered within the relevant period. As the building has been in situ since at least 2001, it acquired immunity from enforcement under the former 4 year rule decades before that rule was abolished in April 2024. Under the transitional provisions of the Levelling-up and Regeneration Act 2023, that immunity is fully preserved. The applicant's evidence is precise, unambiguous and sufficient to demonstrate lawfulness on the balance of probability.
- 6.9 The stable block is located within the curtilage of the main dwellinghouse and has historically been used for equestrian and domestic storage purposes (ancillary). Its dilapidated condition and historic periods of non-use do not affect the lawfulness of the building as operational development.
- 6.10 Accordingly, the statutory tests for issuing a Certificate of Lawfulness are met.



SECTION 7: CONCLUSION

- 7.1 This Statement has been prepared on behalf of Patricia Estridge in respect of an application for a Certificate of Lawfulness of an Existing Use or Development (CLEUD) in order to confirm the existing lawful status of the stable block located at West Riddens, Cuckfield Road, Ansty, West Sussex, RH17 5AJ ('the Site').
- 7.2 The CLEUD sets out the comprehensive justification in respect of the proposed Certificate and confirms that, on the balance of probability, the stable block has existed in its current form for well in excess of the statutory immunity period and is therefore lawful operational development.
- 7.3 As set out in the preceding sections, a Local Planning Authority should not dispute an Applicant's evidence unless it has good reason to do so and, in this case, there is nothing to suggest that the stable block was constructed within the last ten years nor any evidence to contradict the Applicant's position that the building has remained in continuous existence for several decades.
- 7.4 Accordingly, it is respectfully requested that the requisite Certificate of Lawful Existing Use or Development be issued to this effect.

APPENDICES