



JMS PLANNING & DEVELOPMENT

STATEMENT IN SUPPORT OF A CERTIFICATE OF LAWFULNESS

TO CONFIRM EXISTING DEVELOPMENT
(COTTAGE)

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 an Existing Use or 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 detached cottage located at West Riddens, Cuckfield Road, Ansty, West Sussex, RH17 5AJ ('the Site') is lawful in its existing form.
- 1.2 The cottage 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 stable block, a haybarn, formal gardens, woodland and paddocks. The cottage is physically separate from the main house.
- 1.3 The cottage is a single storey building of cavity brick construction with a pitched roof covered in fibre cement slates, timber stud internal partitions, solid concrete floors and double glazed timber casement windows. A building survey undertaken in November 2025 by Gould Baxter, which accompanies this application, estimated that the structure was originally constructed approximately 25 years prior to the survey date.
- 1.4 An affidavit provided by the previous owner, Mr Simon Leefe, confirms that the cottage was already present and established at the time of his purchase of the estate in 2004 and has remained in continuous existence since that date. The cottage does not appear in any of the historic planning records for the site, dating from 1949 to 1972, confirming that it was not constructed pursuant to any planning permission.
- 1.5 This Statement sets out the comprehensive justification for the Certificate and confirms that, on the balance of probability, the cottage 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
 - Sales Particulars
 - Build Survey Report (Gould Baxter)
 - Affidavit of Previous Owner
 - 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 cottage which is the subject of this Certificate of Lawfulness.



*Figure 1 – Satellite Imagery of Main Dwellinghouse and Cottage to the North
(Source: Google Maps)*

- 2.2 For ease of reference, the cottage is positioned to the north of the main house and is accessed via a garden path. It is physically detached from the principal dwelling and sits within its own defined garden area. The building is single storey and contains three bedrooms, with a simple rectangular footprint and a pitched roof running east to west.



Figure 2 – Photograph of Cottage

- 2.3 The Gould Baxter Building Survey undertaken on 12 November 2025 provides a detailed description of the cottage's construction. The main external walls are of cavity brick construction, laid in stretcher bond, surmounted by a timber framed pitched gabled roof covered with proprietary fibre cement slates. The north facing roof slope incorporates Velux roof lights. The survey confirms that the roof profiles are true and even, with no signs of significant distortion, and that the fibre cement slates are well fixed and in good condition.
- 2.4 Internally, the walls comprise timber stud partitioning covered with plasterboard and a plaster skim finish. The floors throughout appear to be of solid concrete construction, likely incorporating a damp proof membrane, overlaid with insulated floating chipboard flooring. The ceilings are formed in plasterboard with an artex finish. The survey confirms that the internal walls remain upright and plumb with no evidence of major structural cracking.
- 2.5 The cottage is provided with double glazed, side hung timber casement windows fitted with timber beading. Access into the property is via double glazed French doors with part panelled and glazed side lights. The survey notes that the windows and doors are generally serviceable, with some minor softening to frames and cills and external paintwork requiring redecoration.
- 2.6 The building benefits from mains electricity and mains water. Steel panel radiators have been fitted to a number of rooms, although they were not in use at the time of inspection. The survey confirms that kitchen and sanitary fittings had not yet been installed, but service pipework was present.



- 2.7 The surveyor estimates that the cottage was originally constructed approximately 25 years ago (at the date of the survey). This aligns with the affidavit provided by the previous owner, Mr Simon Leefe, who confirms that the cottage was already present and established at the time of his purchase in 2004. The cottage has remained in continuous existence in the same location and footprint since that date.



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 cottage.

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

Two historic applications sought permission for agricultural workers' cottages and later a single dwelling. The plans submitted at the time show several potential siting options for the proposed dwellings, none of which correspond to the location of the existing cottage. The applications were refused, and the subsequent appeal was dismissed. The historic plans confirm that no dwelling existed in the position of the current cottage at that time.

1965: Stables and Barn (Approved)

Permission was granted for a stable block and barn situated elsewhere on the estate. This permission does not include any structure resembling the cottage.

1972: Haybarn (Approved)

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

- 3.2 Across all historic records, the cottage which is in situ does not appear. No planning permission was ever granted for a cottage in its location. The cottage must therefore have been constructed without planning permission 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 of the cottage constituted operational development. It is a permanent building of cavity brick construction with a pitched roof, 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 cottage clearly falls within this definition. Although the building was never fully fitted out internally and has remained unused for periods of time, the Courts have confirmed that vacancy or non-completion 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 cottage has remained physically present in its current condition for well over 10 years. The cottage has remained unchanged since at least 2004.

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;
- The LPA has no evidence to contradict the applicant's case.



- 4.14 The cottage meets the above criteria.
- 4.15 The evidence demonstrates that the cottage has existed in its current form for well in excess of the statutory immunity period. There is no evidence to contradict the applicants case.
- 4.16 Accordingly, on the balance of probability, the cottage 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 cottage at West Riddens. The question for the Local Planning Authority (“LPA”) is whether, on the balance of probability, the cottage 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 cottage was constructed within the last four or ten years, nor any evidence to contradict the applicant’s position that the building has existed for approximately 25 years.
- 5.3 The cottage is a permanent structure of cavity brick construction with a pitched roof, timber partitions, concrete floors and double-glazed windows. These physical characteristics demonstrate that the building is capable of occupation, even if never completed internally.
- 5.4 The cottage has remained physically present in its current form since at least 2004, as confirmed by the affidavit evidence, sales particulars, satellite imagery and the Gould Baxter Building Survey. The building has not been materially altered during this period. Its unfinished internal condition and historic vacancy do not break continuity of existence.
- 5.5 The cottage is located within the curtilage of the main dwellinghouse and has historically been treated as ancillary accommodation.
- 5.6 Applying the statutory tests and relevant case law, the cottage 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 in support of the Certificate of Lawfulness. The evidence demonstrates that the cottage has existed in its current form for well over the statutory immunity period and has not been materially altered during that time.
- 6.2 The following evidence is submitted which will be discussed in turn below.
- Sales Particulars
 - Build Survey Report (Gould Baxter)
 - Affidavit of Previous Owner
 - Affidavit of Cleaner
 - Photographic Evidence
 - Satellite Imagery

Sales Particulars

- 6.3 Sales particulars (Appendix 1) were prepared by Jackson-Stops for the sale of the estate, which was sold in February 2026. The particulars refer to the building as “the cottage”, which reflects its long-standing historic and colloquial name on the estate rather than any implication of its use as an independent dwelling. The floor plan on page 7 shows the completed building shell and its internal layout.

Build Survey Report (Gould Baxter)

- 6.4 A Building Survey Report (Appendix 2) was prepared in November 2025 for the Applicant, for the purpose of purchasing the property. Appendix 6 of the report focuses on the Cottage. Not only does it confirm that the site was in situ when the survey was completed, but it also confirms that the surveyors estimate that the property was originally constructed approximately 25 years ago.

Affidavit of Previous Owner

- 6.5 An affidavit has been prepared by the previous owner of the site (Appendix 3). It confirms that the cottage was already present and established at the time of his purchase in 2004 and has remained in continuous existence since that date.

Affidavit of Cleaner

- 6.6 An affidavit has been prepared by a retained cleaner at the property (Appendix 4). The document states that the cleaner has worked at the property since 2020 and confirms that the cottage was already present and in situ.

Photographic Evidence

- 6.7 A site visit was conducted in May 2026 by JMS Planning. The images show the cottage as in situ (Appendix 5).

Satellite Imagery

- 6.8 The satellite imagery (Appendix 6) has been extracted from Google Earth. The images prove that the cottage has been in situ since at least January 2005.

Summary

- 6.9 There is no evidence to contradict the applicant's case. The LPA holds no records of the cottage being constructed within the relevant period, nor any evidence of material alteration. As the building has been in situ since at least 2004, 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.
- 6.10 The building lies within the curtilage of the main dwellinghouse and has historically been treated as ancillary accommodation. The building shell is complete, though the interior has never been fully fitted out for any self-contained ancillary residential use. In recent years it has been used for low-intensity domestic storage and has remained empty since the change of ownership in February 2026 whilst the new owner reviews their internal layout requirements. This does not affect the lawfulness of the operational development.
- 6.11 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 detached cottage 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 cottage 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 cottage was constructed within the last ten years nor any evidence to contradict the Applicant's position that the building was already present at the time of the previous owner's purchase in 2004.
- 7.4 Accordingly, it is respectfully requested that the requisite Certificate of Lawful Existing Use or Development be issued to this effect.



APPENDICES