

## Delegated Decision

### Sign off Sheet

|                                              |                                                                                 |                                        |               |
|----------------------------------------------|---------------------------------------------------------------------------------|----------------------------------------|---------------|
| <b>Ref. No:</b>                              | DM/25/1155                                                                      | <b>Case Officer:</b>                   | Joanne Fisher |
| <b>Application Type:</b>                     | Lawful Development Certificate -Existing                                        |                                        |               |
| <b>Proposal:</b>                             | Commencement of planning application DM/23/1431.                                |                                        |               |
| <b>Site:</b>                                 | Townhouse Farm, Church Lane, Ardingly, Haywards Heath, West Sussex, RH17 6UR, , |                                        |               |
| <b>Validation Date</b>                       | 11 Jun 2025                                                                     | <b>Overall Expiry Date:</b>            | 18 Jul 2025   |
| <b>Pre-Commencement Conditions Required:</b> |                                                                                 | <b>Pre-Com Conditions Date Agreed:</b> |               |
| <b>Recommendation:</b>                       | Permission                                                                      | <b>Recommendation Date:</b>            | 21 Jul 2025   |
| <b>Target Date:</b>                          | 6 Aug 2025                                                                      | <b>Recommending Officer Signature:</b> | Joanne Fisher |

|                                                        |  |                               |   |
|--------------------------------------------------------|--|-------------------------------|---|
| <b>Date Legal Agreement Completed: (if applicable)</b> |  | <b>No of Representations:</b> | 0 |
|--------------------------------------------------------|--|-------------------------------|---|

|                              |             |              |             |
|------------------------------|-------------|--------------|-------------|
| <b>Signed and Agreed By:</b> | Steven King | <b>Date:</b> | 21 Jul 2025 |
| <b>Comments:</b>             |             |              |             |

## MID SUSSEX DISTRICT COUNCIL

**DM/25/1155**

**Townhouse Farm, Church Lane, Ardingly, Haywards Heath, West Sussex, RH17 6UR,  
Commencement of planning application DM/23/1431.  
Mr And Mrs Dawson**

### **SUMMARY OF REPRESENTATIONS**

None received.

### **SUMMARY OF CONSULTEES**

#### MSDC Street Name and Numbering

Informative (Info29)

The proposed development will require formal address allocation. You are advised to contact the Council's Street Naming and Numbering Officer before work starts on site. Details of fees and advice for developers can be found at [www.midsussex.gov.uk/streetnaming](http://www.midsussex.gov.uk/streetnaming) or by phone on 01444 477175.

### **PARISH COUNCIL OBSERVATIONS**

None received.

### **INTRODUCTION**

The proposal is seeking a Lawful Development Certificate under section 191 of the Town and Country Planning Act 1990, as to whether works have lawfully commenced in relation to plot 2 under planning application DM/23/1431 at Townhouse Farm, Church Lane, Ardingly.

### **RELEVANT PLANNING HISTORY**

DM/21/3536 - Demolition of pair of semi-detached houses (C3) and steel portal frame barns currently used for commercial purposes (B8) as well as removal of hardstanding and silage clamp. Construction of 2 No detached four-bedroom dwellinghouses (C3) with outbuildings incidental to the enjoyment of the properties. AMENDED PLANS received 5/08/2022 and updated supporting statements received 10/08/2022 showing revised design of dwellings and outbuildings and revised positioning of outbuildings for all Plots. Approved.

DM/23/1431 - Variation of conditions 3, 4, 5, 6, 7 and 8 relating to planning reference DM/21/3536. Approved. This required works to be begun before the 5th December 2025.

DM/24/1851 - Discharge of planning conditions nos 3, 4, 5, 7 and 8 relating DM/23/1431 (which varied conditions to DM/21/3536) in relation to Plot 2.

### **SITE AND SURROUNDINGS**

The site forms the northern part of the wider site approved under DM/21/3536 which has been cleared. Originally there were a number of farm buildings and concrete hardstanding. As the site has been cleared of the buildings there is heras fencing around the site.

The site is located within the Ardingly Conservation Area and is directly to the west of Grade II listed Townhouse, where the site is within its setting. A second listed building, Old Knowles, is a short distance to the north-east along Church Lane.

The surrounding land with the exception of the development along Church Lane is rural of open fields and woods. There are extensive views to the south looking across a valley, to the bottom of which is Ardingly Reservoir. The site sits to the north of a crossing of public rights of way, one running south-west to north-east, and one west to south-east, before turning south.

The application site is situated within a countryside area and the High Weald Area of Outstanding Natural Beauty (HWAONB), as designated within the Mid Sussex District Plan and the Neighbourhood Plan.

## **APPLICATION DETAILS**

The application is seeking a Lawful Development Certificate under section 191 of the Town and Country Planning Act 1990 as to whether works have lawfully commenced in relation to plot 2 under the most recent permission DM/23/1431.

Accompanying the application is a site and block plan as well as a supporting statement. The supporting statement submits that the following works have commenced on plot 2:

- Demolition of the barns in 2024;
- Soakaway;
- Installation of Foul water treatment plant
- Excavation of foundations to Home office / Garage ( Depth of excavation agreed by Building Control); and
- Concrete poured to excavations.

It is submitted that the above works were inspected on the 19th March 2025 under MSDC Ref: BCSI-1883-5363-7588-1490.

Photographs have been included to show the excavation of the foundations and pouring of concrete, installation of the foul water treatment plant and soakaways.

A site visit has been undertaken which confirms that the buildings have been demolished.

## **LEGAL FRAMEWORK**

As this is an application to establish whether planning permission DM/23/1431 has been implemented which is a legal decision, development plan policies are not applicable when considering this application.

## **ASSESSMENT**

A local planning authority 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 in this particular application or appeal process.

To implement a planning permission the developer must:

- a. Carry out a "material operation" (as defined in section 56 of the TCPA 1990); and
- b. Ensure all planning conditions requiring compliance prior to commencement of development have been complied with.

Section 56 (2) TCPA 1990 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. S.56 (4) lists what is meant by 'material operation':

*"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."*

It has been submitted as part of the application through photographs, that works have been carried out in relation to a soakaway, the installation of a foul water treatment plant, the excavation of foundations to home office / garage and concrete poured to excavations. In addition, an Officer site visit during the course of the application has confirmed that the agricultural buildings have been demolished. As the permission expires on the 5th December 2025, the permission is currently extant. In addition, the relevant pre-commencement conditions in relation to the permission have been discharged.

Section 56(4) (aa) refers to any work of demolition of a building. The agricultural buildings previously on the site have been demolished and the site has been cleared. In addition Section 56(4) (b) includes the digging of a trench which is to contain the foundations, or part of the foundations, of a building. It is considered that the location of the trench is broadly in accordance with the location of the dwelling approved as part of the 2023 permission. In addition, the extent of works carried out would appear from photographic evidence to be more than de minimis. It is considered on the balance of probability that the works referred to in the applicants submission is capable of constituting a material operation.

No third-party evidence has been provided which contradicts the submission in terms of the works carried out and when. As such, it is considered that on the balance of probabilities that a material operation was carried out within the time limit specified in the 2023 permission.

It is therefore considered that the works carried out are lawful and that these works constitute a material operation of the 2023 permission. As such, the remaining development approved under the 2023 permission can lawfully be carried out.

## **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/23/1431 has been lawfully implemented.

Decision:       Permission

Case Officer: Joanne Fisher