

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0602	Case Officer:	Catherine Cardin
Application Type:	Lawful Development Certificate -Existing		
Proposal:	Construction of existing Agricultural Barn		
Site:	Millfield Yard, Pickwell Lane, Ansty, Haywards Heath, West Sussex, RH17 5RH, ,		
Validation Date	6 Mar 2026	Overall Expiry Date:	2 Apr 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	27 Apr 2026
Target Date:	1 May 2026	Recommending Officer Signature:	<i>Catherine Cardin</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	0
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	29 Apr 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0602

**Millfield Yard, Pickwell Lane, Ansty, Haywards Heath, West Sussex, RH17 5RH,
Construction of existing Agricultural Barn
Mr James Bowtell**

REPRESENTATIONS

There were no letters of representation received in response to the lawful development certificate.

CONSULTATIONS

PARISH COUNCIL OBSERVATIONS

None received.

INTRODUCTION

The application seeks to obtain a certificate of lawful development for the construction of an existing agricultural barn in association with Millfield Yard, Pickwell Lane, Ansty, Haywards Heath.

RECENT PLANNING HISTORY

06/01445/FUL- Reinstate field access and construct track to stables and resite stables. Permission.

06/02769/COU- Provision of sand school. Permission.

08/02171/FUL- Retrospective planning for gate access and ramp access. Refused.

09/02559/FUL- Retrospective planning for ramp access from lower level (stable area) to upper level fields and sand school, Retrospective planning for concrete block retaining wall for sand school which allow greater space on lower level for parking farm machinery for maintaining the land and turning of horseboxes and horse trailers. Refused.

11/01398/FUL- 4 bedroom farmer's bungalow on existing sheep farm. Refused.

DM/17/1722- Retrospective full planning application for the re-siting of an agricultural barn. Refused.

DM/17/1740- Retrospective full planning application for the erection of stables. Refused.

SITE AND SURROUNDINGS

The Certificate of Lawfulness relates to an existing single storey barn located within Millfield Yard. The barn is 'L' shaped and is characterised by red brick, timber cladding and a plain tile roof. The barn benefits from a stepped access and a brick retaining wall to the north and west of the building. Access to the site is from the west, granted permission under 06/01445/FUL. The site slopes to the north.

The site lies within the wider High Weald Area of Outstanding Natural Beauty which is characterised by a traditional development of farmsteads and scattered large, detached dwellings set in sheltered plots. Neighbouring properties are located to the west and south. Highway is located to the south.

APPLICATION DETAILS

The application seeks a Lawful Development Certificate under Section 191 of the Town and Country Planning Act 1990. The application is supported by the following schedule of documents:

- A Planning Statement
- Affidavit
- Photographs

The barn is 'L' shaped, oak framed, and measures some 13.5 metres in width and some 13.5 metres in depth. The barn has a pitched roof, with a height to the ridge of some 6.3 metres and a height to the eaves of some 3.1 metres. The barn is characterised by red brick, timber cladding and a plain tile roof.

The barn has a double door and single door on the (front) western elevation, a double door on the rear (eastern) elevation and single door on the side (northern) elevation.

LEGAL FRAMEWORK AND LIST OF POLICIES

Section 191 of the Town and Country Planning Act 1990 indicates that the burden of proof lies with the applicant.

The relevant test is 'the balance of probability' and Local Planning Authorities are advised that if they have no evidence of their own to contradict or undermine the applicant's version of events there is no good reason to refuse the application provided that the applicants' version is precise and unambiguous to justify the grant of a certificate. This section also indicates that 'if on an application under this section, the LPA are provided with information satisfying them that the use or operations described in the application would be lawful, if instituted or begun at the time the application, they should issue a certificate to that effect; and in any other case they shall refuse the application'.

Time limits for enforcement set out in Section 171B of the Town and Country Planning Act 1990:

- 1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.
- 2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwelling house, no enforcement action may be taken after the end of the period of four years beginning with the date of the breach.
- 3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.
- 4) The preceding subsections do not prevent:
 - (a) the service of a breach of condition notice in respect of any breach of planning control if an enforcement notice in respect of the breach is in effect; or
 - (b) taking further enforcement action in respect of any breach of planning control if, during the period of four years ending with that action being taken, the local planning authority have taken or purported to take enforcement action in respect of that breach.

In this case, the relevant time period relating to the existing building is four years as per 171B(1).

The onus of proof is firmly on the applicant, and the standard of proof is the balance of probability. If there are contradictions in the applicant's evidence on material issues, then the LPA would be entitled to refuse the certificate.

Planning Practice Guidance sets out that a LDC 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 (Paragraph: 005 Reference ID: 17c-005-20140306).

ASSESSMENT

The application is supported by a planning statement which outlines that the barn currently on site was erected in 2018, following the refusal of application DM/17/1722, and that the existing structure differs materially from the building previously approved under prior approval in 2014.

Affidavits and invoices have been submitted which state that a softwood roof was installed and invoiced for at the yard in November 2018. Whilst these documents provide some evidence in relation to roof works, they do not demonstrate that the building, as a whole, was substantially complete at that time. No evidence has been provided to confirm the completion of the remainder of the structure, including walls, floor, or existing finishes.

The application is also supported by photographic evidence showing the interior of the barn. However, these photographs are not date stamped and are not accompanied by corroborating evidence to confirm when they were taken. As such, they carry limited evidential weight in establishing the date of completion of the building.

When assessed on the balance of probabilities, the evidence submitted does not precisely or unambiguously demonstrate that the barn, in its entirety, has been substantially complete for a continuous period exceeding four years. In accordance with section 191 of the Town and Country Planning Act 1990, the burden of proof lies with the Applicant. Furthermore, Planning Practice Guidance makes clear that certificates of lawfulness should only be granted where the evidence leaves no real doubt. On that basis, the information submitted is insufficient to establish immunity from enforcement action.

CONCLUSION

It is considered that the applicant has not established, on the balance of probability, that the barn has been substantially complete for 4 years up to the date of the Lawful Development Certificate (Existing) application. As such a certificate for lawful use cannot be issued.

Decision: Refusal

Case Officer: Catherine Cardin