



Appeal Decision

Site visit made on 15 July 2025

by **A A Phillips BA(Hons) DipTP MTP MRTPI AssocIHBC**

an Inspector appointed by the Secretary of State

Decision date: 4 August 2025

Appeal Ref: APP/Y9507/X/24/3350086

South Lockbarn Cottage, Shoreham Road, Steyning, West Sussex BN44 3TU

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr and Mrs Marc Pargeter against the decision of South Downs National Park Authority.
 - The application ref SDNP/21/05955/LDE, dated 26 November 2021, was refused by notice dated 29 May 2024.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which a certificate of lawful use or development is sought is an existing use for an outbuilding of more than ten years as ancillary use to the main dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of the development from the original application form because it accurately describes the development for which the certificate is being sought. That is the basis upon which I have determined the current appeal.

Main Issue

1. The main issue is whether the Authority's refusal to issue an LDC was well founded. That will turn on whether the appellants have proved on the balance of probability that the use of the property changed to use as ancillary to the main dwelling on or before 26 November 2011 and that the use then continued without significant interruption for ten years after the date of the change.

Reasons

2. In an appeal relating to a LDC the onus of proving the relevant facts rests with the appellants, and the standard of evidence is the balance of probabilities. The appellants' own evidence does not need to be corroborated with independent evidence, and if there is no evidence to contradict or otherwise make the appellants' version of events less than probable, their evidence alone may be sufficient to justify the grant of a certificate provided that it is sufficiently precise and unambiguous.
3. It is my understanding that the original application included:
 - Application form;
 - Location Plan;

- Invoices;
 - Planning Statement;
 - Receipts;
 - Affidavit from the applicants;
 - Photographs; and
 - Existing building plans.
4. A range of evidence has also been submitted with this appeal. The appellants contend that the evidence clearly demonstrates that the use of the building is lawful, stating that it is used as a games room and ancillary accommodation when required, is not an independent dwelling and does not contain a kitchen.
 5. In terms of the evidence submitted, the Hillary's invoice for roller blinds dated 21 September 2020 does not demonstrate the use for which the certificate is sought. In addition, the DJ Packman Plumbing and Heating invoice dated 18 May 2018 relates to plumbing works at stables and the file entitled Cabin Maintenance Receipt is for non-specific tasks and costs and is undated. The RJ Meaker Fencing Ltd DIY Centre invoice for fencing materials dated 24 April 2015, the AVS Fencing Supplies Ltd invoice for materials dated 20 January 2015 and LanMar Electrical Ltd invoice for various electrical works, parts and labour dated 28 November 2018 are all non-specific and do not demonstrate the lawful use of the appeal building.
 6. In addition, the Simply Shutters invoice for louvred doors dated 25 August 2017 is addressed to North Barn Cottage which is the address of the adjoining property and does not demonstrate the lawful use of the building. The undated Hamilton Graham Estate Agents & Auctioneers particulars for South Lock Barn Cottage shows that a timber framed outbuilding was present and suggests it was being used as a workshop/tractor cover. Photographs of the external elevations and interior of the building are undated.
 7. The appellant's Statement of Oath dated 23 November 2021 confirms that they have used the building continuously since 2006 and other than general maintenance it had not been altered in the previous two years. Additionally, it is stated that the building was on the site when they purchased the property in 2006, and it has been used as a games room and as an overflow for visiting family. There is little evidence to support this.
 8. The fundamental argument being presented by the appellants is that the outbuilding is used for the provision of additional and overflow living and sleeping space which they describe as being 'ancillary' to the main dwelling. However, there is insufficient evidence before me that it has been continuously used for residential purposes that are integral to the residential use of the main house. The range of documentation submitted at the application stage and at appeal is vague with respect to actual use of the appeal outbuilding. Therefore, in my judgement, the use of the outbuilding for ancillary purposes is not sufficiently precisely and unambiguously demonstrated by the appellants' evidence, including their affidavit.
 9. The Authority states that the Statement of Oath is silent on the existing use as a holiday let as advertised on AirBnB and that such use continues. Indeed, my

observations and the evidence submitted confirm that at present the appeal property is being used as a self-contained holiday let which is accessed via a separate entrance than the main dwelling via the stable yard. However, under s191(4) of the Act, the relevant date for ascertaining whether the existing development is lawful is the date of the LDC application. As such, the current use of the outbuilding may be different from the use for which the LDC was being sought on the date the original application was made.

Conclusions

10. For the reasons given above, I conclude that the Authority's refusal to grant a certificate of lawful use or development for existing use for an outbuilding of more than ten years as ancillary use to the main dwelling is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

A A Phillips

INSPECTOR