

Delegated Decision

Sign off Sheet

Ref. No:	DM/25/1292	Case Officer:	Andrew Watt
Application Type:	Lawful Development Certificate -Existing		
Proposal:	Lawful Development application for the annual erection of large temporary marquees.		
Site:	Land At Saint Hill , Saint Hill Road, East Grinstead, West Sussex, RH19 4JY , ,		
Validation Date	19 May 2025	Overall Expiry Date:	11 Jun 2025
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Refusal	Recommendation Date:	24 Jul 2025
Target Date:	14 Jul 2025	Recommending Officer Signature:	Andrew Watt

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	Stephen Ashdown	Date:	25 Jul 2025
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/25/1292

**Land At Saint Hill , Saint Hill Road, East Grinstead, West Sussex, RH19 4JY, ,
Lawful Development application for the annual erection of large temporary marquees.
CO AGENT**

SUMMARY OF REPRESENTATIONS

2 letters of objection:

- I have recently been made aware of the Church of Scientology's application for a Lawful Development Certificate (DM/25/1292) for their 45,000 square foot marquee used to host the annual gathering of the International Association of Scientologists (IAS) every October.
- As a former member of the Church, I wanted to express my concerns about this development.
- The Church claim that the land has been used for 10 years and as such, they do not require planning permission. However, the marquee is only in place intermittently. It has not been consistently there for 10 years. The marquee is constructed during the summer and is usually removed some time in November and for the majority of the time over the last ten years the land is used as a field, not as an event venue.
- Similarly, during the weekend of events, Scientology have placed temporary planters, metal barriers and other obstructions along the footpath to the west of Saint Hill Road, which the Council have duly ordered they remove every year.
- Under the Town and Country Planning Act, the 10 year rule is defined as "beginning with the date on which the operations were substantially completed." As a temporary structure, the works were not completed 10 years ago, rather the structure is substantially completed, and then removed every year. For the vast majority of the time over the last 10 years, the land has been used as a field with no structures.
- A planning contravention notice was issued to the Church of Scientology last year after erecting a 45,000 sq ft marquee to host their annual IAS event in October. The structure is only in place for a few months every year and gets taken down, so does not meet the criteria for a lawful development certificate.
- The structure is supplied and built annually by an outside company and there is no evidence to show, due to lack of previous planning applications, that the structure is the same size or dimensions as previous years.

1 letter of support:

- I see no issue with this and as this bring positive attention to East Grinstead, we shouldn't be objecting to their plans
- They provide and support the community with events that most enjoy and or look forward to.

SUMMARY OF CONSULTEES

There is no statutory requirement to consult on an application for a Lawful Development Certificate.

TOWN / PARISH COUNCIL OBSERVATIONS

No comment.

INTRODUCTION

A Lawful Development Certificate is sought for the annual erection of large temporary marquees.

RELEVANT PLANNING HISTORY

GR/226/76 - Continuance of use for 3 years of existing temporary study facilities for use while main buildings being extended (renewal of J/73/10012). - Permission - 07.12.1976

GR/223/77 - Continuance of use for a further two years of existing temporary study accommodation for use while main buildings are extended. - Refused - 31.01.1978

GR/003/81 - Continuance of use for 6 months of temporary building pending completion of main study building, until 30.6.81. - Permission - 11.02.1981

GR/184/81 - Renewal of temporary permission. Continued use of temporary building for 3 months. - Permission - 20.07.1981

GR/288/81 - Renewal of temporary permission. Continued use for 6 months of temporary building. - Permission - 10.11.1981

GR/047/82 - Continuance of use for 12 months of temporary building pending completion of main study building. - Permission - 05.04.1982

14/03748/FUL - Extension of Castle building to provide improved classroom and administration space. - Permission - 26.11.2014

SITE AND SURROUNDINGS

The red-lined site forms part of a field parcel, known as Hobbs Field, located immediately west of a group of buildings centred around The Castle and Saint Hill Manor that comprise the UK headquarters of the International Association of Scientologists (IAS). The main access is gained from the north-east off Saint Hill Road.

The field is open in character on an elevated plateau with land levels dropping gently from north-east to south-west. The eastern perimeter has an access track running alongside. The northern boundary is enclosed by North Wood, containing 2 ponds, the western part of which is designated as ancient woodland.

In policy terms, the site is located within the countryside and within the High Weald Area of Outstanding Natural Beauty. It is also within 7km of the Ashdown Forest. Saint Hill Manor is a Grade II listed building.

APPLICATION DETAILS

The application seeks a Lawful Development Certificate for an existing use under Section 191 of the Town and Country Planning Act 1990. It is asserted that the use in question involves the annual erection of large temporary marquees on the Land for the purposes of hosting the IAS Event. The marquees are erected each year for the IAS Event in October (and in one year at the start of November). The erection takes several weeks. Including rehearsals, the actual use occurs for approximately one week. Dismantling and restoration of the land takes about a month. The Use Class asserted is F1 (Learning and non-residential institutions).

The applicant goes on to state why a Lawful Development Certificate should be granted, as follows:

'The annual event has occurred on the Land since October 2005, consistently in the same format and for the same purpose. The only exceptions to this continuous pattern were involuntary ones. The use has been ongoing for a period exceeding 10 years, and has thereby become lawful through the passage of time, pursuant to Section 191(2) of the Town and Country Planning Act 1990.'

The application form states that the use begun on 30 October 2005 and acknowledges that there have been interruptions, as follows:

'The only exceptions to this continuous pattern occurred in 2013 (when although preparations were started the main marquee was not available in time) and during the years 2020 to 2022, during which the event was suspended due to the COVID-19 pandemic and associated restrictions on public gatherings.'

In respect of the break in use, the statutory declaration submits:

'I submit that this short break in activity does not break the continuity of use for the purposes of a Lawful Development Certificate, based on established planning principles. The Planning Inspectorate and courts have recognised that temporary and involuntary suspensions, particularly those caused by government restrictions, do not constitute abandonment of use.'

The application does not give details of the legal authorities relied on. The application has been accompanied by a Statutory Declaration from a Trustee of the applicant with an address in East Sussex. The statutory declaration exhibits visual/photographic material asserted to have taken each year the IAS Event was held on the Land from 2005 to 2024. The statutory declaration does not say who took the photographs and does not claim first-hand knowledge of use during this period.

LEGAL FRAMEWORK

Section 191 of the Town and Country Planning Act 1990 (Certificate of lawfulness of existing use or development) states as follows:

(1) If any person wishes to ascertain whether—

(a) any existing use of buildings or other land is lawful;

(b) any operations which have been carried out in, on, over or under land are lawful; or

(c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.

Subsection (4) states:

If, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

The first consideration is, having regard to the wording of the application, which of the two (a) or (b) or both the applicant wishes to ascertain. Section 191(1) is for ascertaining whether:- (1)(a) any **existing use** of land is lawful; and/or (1)(b) whether any **operations** which have been carried out are lawful. The application appears to elide "use" and "operations" together and treats the erection of the marquee as the planning use of the field applied for rather than as a separate head consisting of operational development on the field. From this we take it that the application is for the use of the field for the erection of marquee(s) which marquee(s) is to be used for an annual event. The erection of the Marquee, as a use, is said to take "several weeks" and dismantling and restoration takes about a month. The use of the Marquee (and therefore we assume the field), "occurs for approximately one week".

By virtue of Section 191(2) uses and operations are lawful if no enforcement action may be taken against them and they are not in contravention of any enforcement notice which is in force.

The onus of proof in a LDC application is on the applicant.

The Courts have held that the relevant test of the evidence is 'the balance of probability' and the case *F W Gabbitts v SSE and Newham LBC [1985] JPL 630* held that the applicant's own evidence does not need to be corroborated by "independent" evidence in order to be accepted. If the Local Planning Authority have no evidence of their own, or 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.

Section 191 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.'

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 Local Planning Authority would be entitled to refuse the certificate.

ASSESSMENT

Use

The application seeks a Lawful Development Certificate for F1 use (Learning and non-residential institutions), which could be for, or in connection with, d) a public hall or exhibition hall, or f) public worship or religious instruction.

As set out above, the application form asserts that the event takes place over 3 days - Friday, Saturday and Sunday, culminating with a charity event on the Sunday evening. The erection of the marquees (used three times in plural) takes several weeks. The actual use, including rehearsals, is for approximately one week. Dismantling and restoration of the land takes about a month.

Little detail is given of the event, other than a flyer from 2014 (the 30th anniversary event) noting:

- on Friday 17th October at 5:30pm an Anniversary Event including:
 - o Dynamic multi-media presentation
 - o Presentation of awards for exemplary charitable work
 - o Reception and entertainment
- On Sunday 19th October at 6:30pm a Gala Charity Concert:
 - o Benefitting [sic] the East Grinstead Town Museum and the British Exploring Society
 - o Evening hosted by a very special guest and featuring top international performers.

It is not clear from the evidence that it supports the F1 use description being applied for; rather the use asserted appears to be a temporary event / sui generis use. Further the actual erection of a marquee (as a use applied for) is not an F1 use.

Photos

Examination of the photos is assessed as follows:

2005

A photograph labelled 2005 shows standing people formally dressed, in a tent, clapping. The label does not say if this was a Friday, Saturday or Sunday. There is no evidence of location at Saint Hill on Hobbs field. It could be anywhere.

2006

A photograph labelled 2006 shows a brass band playing and a large television screen in what could be a Marquee or a building. It does not show the audience. It does not say if this was a Friday, Saturday or Sunday. There is no evidence of location at Saint Hill on Hobbs field. It could be anywhere.

2007

A photograph labelled 2007 shows the outside of a building with a Pipe band playing being watched by a number of people. There is a White Marquee in the background of the building. It does not say if this was a Friday, Saturday or Sunday. There is no evidence of location at Saint Hill on Hobbs field. It could be anywhere.

2008

A photograph labelled 2008 shows people on stage with a band behind them and outlines of an audience in the foreground. It does not say if this was a Friday, Saturday or Sunday. There is no evidence that it is a tent/marquee. There is no evidence of location at Saint Hill on Hobbs field. It could be anywhere.

2009

A photograph labelled 2009 shows people on stage (entertainers?) with a band behind them and outlines of an audience in the foreground. It does not say if this was a Friday, Saturday or Sunday. There is no evidence that it is a tent/marquee. There is a large "25" above the stage. There is no evidence of location at Saint Hill on Hobbs field. It could be anywhere.

2010

A photograph labelled 2010 shows a large group of people facing a stage. There is a large "2010" above the stage. It does not say if this was a Friday, Saturday or Sunday. There is no evidence that it is a tent/marquee. There is no evidence of location at Saint Hill on Hobbs field. It could be anywhere.

2011

A photograph labelled 2011 shows entertainers on stage with a band behind them and outlines of an audience in the foreground. It is a dark Venue. It does not say if this was a Friday, Saturday or Sunday. There is no evidence that it is a tent/marquee. There is no evidence of location at Saint Hill on Hobbs field. It could be anywhere. It could be any year.

2012

A photograph labelled 2012 shows seated people facing entertainers on stage with a band behind them. It does not say if this was a Friday, Saturday or Sunday. There is no evidence that it is a tent/marquee. There is no evidence of location at Saint Hill on Hobbs field. It could be anywhere. It could be any year.

2013

There are no photographs. The statutory declaration states that:

"The Annual event has occurred on the land since 2005 consistently in the same format and for the same purpose. The only exception to this continuous pattern occurred in 2013 (when although preparations were started the main Marquee was not available on time)".

2014

A photograph labelled 2014 shows three informally dressed people standing in a space and behind them is a building with "30" on it. There are four other persons walking. It is not clear if this is a Marquee or not. It does not say if this was a Friday, Saturday or Sunday. There is no evidence of location at Saint Hill on Hobbs field. It could be anywhere.

A flyer labelled 2014 is advertising a 30th IAS anniversary. It advertises an event on Friday 17 October at 5.30pm and a charity concert on Sunday 19 October starting at 6.30pm. It does not say what was happening on Friday.

2015

A photograph labelled 2015 shows the outside of a castle-like building with what appears to be a white Marquee in the background of the building. The foreground has lots of people going up and down the castle steps. It does not say if this was a Friday, Saturday or Sunday. There is no evidence of location at Saint Hill on Hobbs field. It could be anywhere.

An invitation labelled 2015 is inviting attendance to a Saint Hill Charity Gala concert on Sunday 25 October 2015. It does not say what is happening on Friday or Saturday.

2016

The picture is dated 10 October 2016 and blurred. There is no evidence of location at Saint Hill on Hobbs field. It could be anywhere.

2017

Picture from an internal news article labelled "IAS 33rd anniversary at Saint Hill in the UK". It is a birds eye picture of a castle with a tent in the background. It is dated 25 October 2017.

2018

A picture but not sure what we are looking at.

2019

A photograph labelled 2019 shows a large group of people standing facing a stage in what could be a Marquee. The stage has a speaker who is shown on screens within the structure. It does not say if this was a Friday, Saturday or Sunday. There is no evidence of location at Saint Hill on Hobbs field. It could be anywhere.

2023

A photograph labelled 2023 shows a large group of people standing facing a stage in what appears to be a Marquee. The rubric under the photograph says "THOUSANDS OF INTERNATIONAL ASSOCIATION OF SCIENTOLOGISTS (IAS) Members representing 90 Nations gather on Friday November 3. The Evening honors (sic) four historic years of IAS humanitarian accomplishment". There is no evidence of location at Saint Hill on Hobbs field. It could be anywhere.

2024

A photograph labelled 2024 shows two people holding a Union Jack and US flag respectively standing in a space and behind them is construction. There are other persons congregating behind them but not part of their picture. It is not clear if this is a Marquee or not. It does not say if this was a Friday, Saturday or Sunday. There is no evidence of location at Saint Hill on Hobbs field. It could be anywhere.

The evidence within these photographs has not been corroborated by any other parties, and without any familiarity with the content of the events that are depicted, it is not possible to verify them. Only the photos from 2007, 2015, 2017 and 2018 (2016 is too blurred) show a large marquee in context with the existing Castle building; all other photos have no locational information. It is also not clear whether the structure depicts the interior of a marquee and whether the same marquee (capacity and dimensions) was used or whether more than 1 marquee was used.

Continuity

In 2013, there was no photograph and no event. The Statutory Declaration states: '... preparations were started but the main marquee was not available ...'

In 2020, there was no photograph and no event. Suspended due to the COVID-19 pandemic.

In 2021, there was no photograph and no event. Suspended due to the COVID-19 pandemic.

On 18 July 2021, Parliament revoked the Coronavirus rules, meaning there were no restrictions on meetings or gatherings.

In 2022, there were no photographs and no event.

Therefore, between October 2020 and October 2022, no operations took place and no use took place.

Although the submitted evidence straddles a 20 year period, there is no continuity of the use for a period of 10 years - due to the break in 2013 (between October 2012 and October 2014, a gap of 2 years) and then between October 2019 and October 2023 (4 years).

Third party evidence

Comments from both objectors state that the marquee is 45,000 sq ft, and the event takes place every October and the marquee is in place for a few months each year or intermittently (one states constructed during the summer and removed in November). One comment states that there is no evidence that the marquee that has been constructed every year over the last ten years is the same size or in the same location. It goes on to state that:

'Although the structure is used to host a charity concert, this is just one day out of several weeks (or sometimes months) that the building is in place. Although the charity concert may be attended by a relatively small number of local residents, the main purpose of the building is to host a fundraising event for the Church of Scientology'; and:

'For context, at the last IAS event just £50,000 was donated to local charities but tickets for the 'Patrons Ball' on the Saturday alone brought in £1.2 million for IAS Administrations' ... and 'money raised during the Friday IAS event itself'; and:

'Under the Town and Country Planning Act, the 10 year rule is defined as "beginning with the date on which the operations were substantially completed." As a temporary structure, the works were not completed 10 years ago, rather the structure is substantially completed, and then removed every year. For the vast majority of the time over the last 10 years, the land has been used as a field with no structures.'

In addition, a further comment states that:

'The structure is supplied and built annually by an outside company and there is no evidence to show, due to lack of previous planning applications, that the structure is the same size or dimensions as previous years.'

CONCLUSION

Overall, it is considered that there is insufficient clarity in the evidence supplied such that the applicant has not demonstrated there has been a continuous pattern of use of the field for the erection of a marquee(s) for a single continuous 10 year period. The evidence in the Statutory Declaration and photographs is vague and has been doubted and not been corroborated by third parties. Therefore, on the balance of probabilities, it has not been demonstrated with sufficient precision and unambiguity that an F1 use of the land has taken place for a continuous period of 10 years to justify a Lawful Development Certificate. Accordingly, the LDC should be refused.

Decision: Refusal

Case Officer: Andrew Watt