

CO AGENT
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TOWN AND COUNTRY PLANNING ACT 1990 SECTION 191 (AS AMENDED)
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2015

REFUSAL OF CERTIFICATE OF LAWFUL USE OR DEVELOPMENT
(EXISTING)

REFERENCE: DM/25/1292

PROPOSAL: LAWFUL DEVELOPMENT APPLICATION FOR THE ANNUAL
ERECTION OF LARGE TEMPORARY MARQUEES.

LOCATION: LAND AT SAINT HILL , SAINT HILL ROAD, EAST GRINSTEAD,
WEST SUSSEX

DECISION DATE: 25 JUL 2025

CASE OFFICER: ANDREW WATT - ANDY.WATT@MIDSUSSEX.GOV.UK

The Mid Sussex District Council hereby certify that on 19 May 2025 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red on the plan attached to this certificate, was not lawful within the meaning of Section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

1. 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 for a period of 10 years or more, as applied for. On the basis of the dates set out in the Statutory Declaration, the temporary use started in October 2005 and took place on a yearly basis until October 2012 (i.e. 8 years). It then ceased until October 2014, a gap of 2 years. The temporary use resumed in October 2014 until October 2019 (i.e. 5 years). It ceased between October 2019 and October 2023, a gap of 4 years. The temporary use resumed in October 2023 - October 2024 (i.e. 2 years). It follows that

on any basis there has been no continuous use for a single 10 year period. Further in relation to the assertion of continuity during the pandemic, there is no legal authority that we are aware of which suggests that the Covid restrictions suspended or amended the expiry of time for acquiring immunity from enforcement. The case law would suggest otherwise.

2. The application is asserting continuous F1 use. The evidence as a whole does not support the F1 use; rather it appears to be a temporary event / sui generis use.
3. Photographic evidence does not support the assertion that a marquee(s) has been erected in Hobbs field every year since 2005. The photographs have no external or internal evidence to show what year, month or day they were taken. There is no evidence of location at Saint Hill on Hobbs field. The photographs could be of marquees anywhere in the world. Further in some cases it cannot be determined that the photograph is of the inside of a marquee. The statutory declaration does not demonstrate that the Trustee has first hand knowledge of the matters in the declaration or how they came by that knowledge.
4. The erection of the Marquee 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". Elsewhere the application says the event lasts for three/five days/a week. There is lack of consistency and precision in the application documents about the duration of the use of the field during the annual event. If we conservatively take "several weeks to mean three weeks (21 days) plus 3 days for the event plus one month for dismantling and restoration of (30 days), this shows a period of use of 54 days.

First Schedule

Lawful Development application for the annual erection of large temporary marquees.

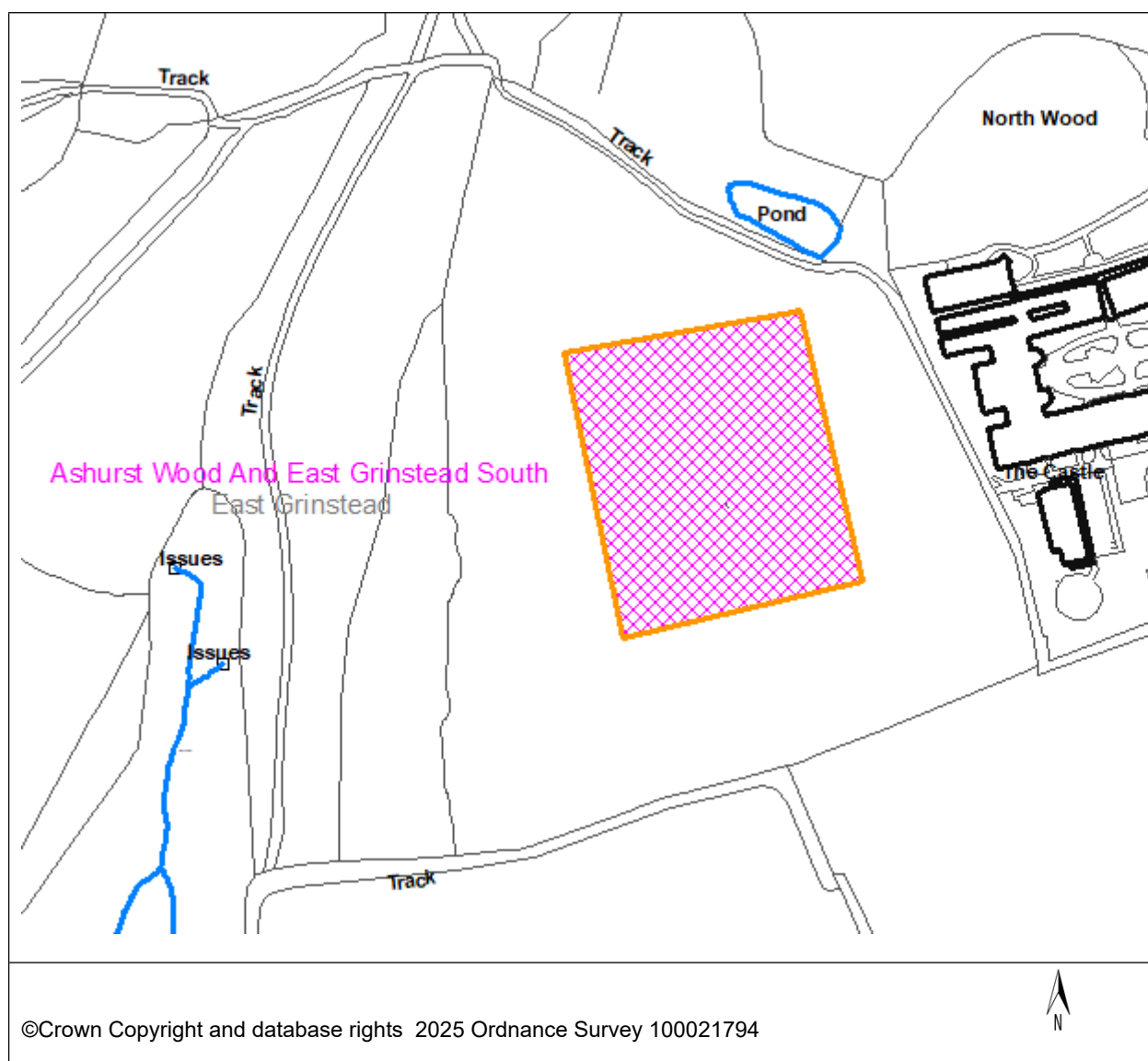
Second Schedule

Land At Saint Hill , Saint Hill Road, East Grinstead, West Sussex



Ann Biggs
Assistant Director Planning and Sustainable Economy

RELDEZ



APPEALS TO THE SECRETARY OF STATE

Notes for Applicants

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so within **6 months** of the date of this notice.

However, if

- (i) this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice; or
- (ii) an enforcement notice is subsequently served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within:
 - 28 days of the date of service of the enforcement notice, or
 - within 6 months (12 weeks in the case of a householder appeal) of the date of this notice, whichever period expires earlier.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.

If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal which you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.uk](#).