

# STEPHEN JUPP

BA(Hons), LLM, MRTPI

## CHARTERED TOWN PLANNER

Planning and Building Control Division  
Arun District Council  
1 Maltravers Road  
Littlehampton  
BN17 5LF

Wednesday, 18 May 2022

Dear Sir/Madam:

**Re: Lazy W, Yapton Lane, Walberton, BN18 0AS**

### **Certificate of Lawfulness of Existing Use / Development**

**Change of use of land and siting of a portabuilding all in connection with activities associated with Yapton Free Church**

#### Introduction

The application is submitted under the provisions of section 171B(3) – for “*any other breach of planning control*” wherein the immunity period is ten years. The portacabin building used by the church is being treated as incidental operational development to the material change of use.

The application in this case seeks confirmation that there has been a material change of use of the land to use for activities associated with Yapton Free Church for a period of more than ten years and in addition that a portacabin building used in connection with that use has been erected for a period in excess of four years, if it is considered to be a building, or alternatively that it is ancillary to the wider use of the land and has been on site for more than 10 years.

#### Legal Background

Section 191(1)(a) provides that if any person wishes to ascertain whether any use of buildings or other land is lawful; and section 191(1)(b) provides that if any person wishes to ascertain whether any operations which have been carried out in, on, over or under land are lawful, they may make an application to the local planning authority.

PLANNING APPLICATIONS.

AUTOCAD DRAWINGS.

GENERAL ADVICE.

OBJECTION LETTERS.

APPEALS.

SITE DEVELOPMENT APPRAISALS.

LOCAL PLAN SUBMISSIONS.

EXPERT PLANNING ADVICE.

SPECIALISING IN:

DEVELOPMENT CONTROL,

AGRICULTURE,

ENFORCEMENT AND

NATURE CONSERVATION LAW

#### **PARTNERS:**

**STEPHEN PAUL JUPP**  
BA(Hons), LLM, MRTPI

**LYNN ALEXANDRA JUPP**

**PO BOX 839**  
**CHICHESTER**  
**WEST SUSSEX**  
**PO19 9XQ**

Member of the  
Royal Town Planning Institute.



As the PPG makes clear at Paragraph: 006 Reference ID: 17c-006-20140306:

*"In the case of applications for existing use, if a local planning authority has no evidence itself, nor any 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 on the balance of probability."*

This approach is confirmed in *F W Gabbittas v SOS & Newham LB* [1985] JPL 630 an applicant's own evidence does not have to be collaborated by independent evidence.

### The Facts of this Case

This application is accompanied by a statutory declaration. This is from the owner of the land, Derek Page, who is also one of the leaders of Yapton Free Church, as is his wife, Michele.

Derek Page's Statutory Declaration is very detailed in terms of the historic use of the land for purposes associated with the activities of Yapton Free Church and in respect of the siting of the portacabin style modular building which comprises three parts.

His sequence of events is supported by GoogleEarth aerial photographs and photographs of various events and meetings.

The relevant facts contained with the Statutory Declaration of Derek Page are as follows:

- In late 1999 he and his wife purchased the field.
- Shortly after the purchase of the field it has been used for a variety or regular Christian related events, including:
  - Travellers of the road Fellowship. 2003
  - Glory Road Ministries. 2004
  - Sussex Christian Outpouring 2008
  - Cosham Baptist children & youth summer camps. 2009 – 2018
  - Christian Outreach Centre Youth Meeting 2014
  - Coastlands Church Baptisms 2012
  - Community Drive in Movies 2020
  - Yapton Free Church Sunday Meetings 2021
- That due to the lack of facilities the Church decided in 2011 to erect a portacabin style modular building, comprising 3 parts in the eastern part of the field. The building is annotated with the letter 'A' on the plan attached at DP1 to his Declaration. There is a poor-quality Google Earth aerial photograph dated 6 January 2012 which shows the building in situ and this is attached at DP2.
- Since the siting of the building, it has been used for a variety of Christian related purposes including:
  - Ladies Christian Meetings. 2013
  - Heart Publication Paper Christian monthly meetings

- Coastland Church Sunday meetings. 2015 -2018
  - Yapton Free Church Sunday Children meetings 2021
  - Ukraine Humanitarian Donation Collection Centre 2022
- He finally concludes by making clear that has continuously operated my firewood processing business from the site since 2010.
  - A Google Earth aerial photograph dated 6<sup>th</sup> August 2018 is attached at his DP3 and this shows one such event with 2no marquees along with a number of tents. This was one of the Cosham Baptist children & youth summer camps.
  - Also visible in that photograph immediately behind the property called Spindlewood are a number of lorry containers with have been used by the various Christian groups although today there is just one such container in that location and in use.
  - He also attaches at DP4 a series of photographs which illustrate the types of events that Yapton Free Church have held over the years on the field.
  - Finally, he confirms that the field has been used for the holding of numerous Christian related events since 2000 and the portacabin building has been in the same position on the land since 2011/2 and been used for Christian meetings and associated events continuously since then.

### Conclusions.

In my professional judgement the evidence is clear in demonstrating that Yapton Free Church commenced using the land edged red in this application for a series of activities associated with the church in 2000. Moreover, it is clear that in 2011 they decided to site a portacabin style modular building, comprising three parts, on the land to be used solely in connection with the use of the wider field area by Yapton Free Church.

As a result, the evidence demonstrates, on the balance of probability, that the use of the field by Yapton Free Church commenced in 2000 and that the building has been on site since 2011 and used in connection with the wider planning unit by Yapton Free Church.

A certificate confirming the lawfulness of the material change of use of the land to use for activities associated with Yapton Free Church for a period of more than ten years and in addition that a portacabin building used in connection with that use has been erected for a period in excess of four years, if it is considered to be a building, or alternatively that it is ancillary to the wider use of the land and has been on site for more than 10 years should therefore be issued.

Yours sincerely,



**STEPHEN JUPP**  
BA(Hons), LLM, MRTPI  
Chartered Town Planner