

Delegated Decision

Sign off Sheet

Ref. No:	DM/26/0301	Case Officer:	Tracie Axford
Application Type:	Lawful Development Certificate -Existing		
Proposal:	Garage doors replaced with french doors		
Site:	70 Holtye Road, East Grinstead, West Sussex, RH19 3HU, , , ,		
Validation Date	10 Feb 2026	Overall Expiry Date:	9 Mar 2026
Pre-Commencement Conditions Required:		Pre-Com Conditions Date Agreed:	
Recommendation:	Permission	Recommendation Date:	1 Apr 2026
Target Date:	7 Apr 2026	Recommending Officer Signature:	<i>Tracie Axford</i>

Date Legal Agreement Completed: (if applicable)		No of Representations:	1
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Signed and Agreed By:	<i>Stephen Ashdown</i>	Date:	1 Apr 2026
Comments:			

MID SUSSEX DISTRICT COUNCIL

DM/26/0301

**70 Holtye Road, East Grinstead, West Sussex, RH19 3HU, , ,
Garage doors replaced with french doors
Mr Alastair Dale**

SUMMARY OF REPRESENTATIONS

One letter was received in support of the application

SUMMARY OF CONSULTEES

None

TOWN/PARISH COUNCIL OBSERVATIONS

East Grinstead Town Council made no comment

INTRODUCTION

The application seeks to obtain a certificate for the lawful use for the existing change of garage doors to French doors on the front elevation of 70 Holtye Road, East Grinstead.

RELEVANT PLANNING HISTORY

01/01252/FUL - Rear single storey extension to garage to provide utility room, new conservatory to front of house, first floor rear extension over flat roof for new en-suite. Amended plans received 5th June 2007 removing balconies and replacing with velux. Permitted 03/07/2007

DM/15/1609 - Modification to permitted planning application 07/01252/Ful to remove valley gutter and replace with new roof ridge. Permitted 05/06/2015

DM/15/2713 - Non Material Amendment to application 07/01252/FUL - Size and location of velux roof lights amended following the removal of valley gutter. Permitted 22/07/2015

SITE AND SURROUNDINGS

The application site is a two storey detached property on Holtye Road, East Grinstead. The property is characterised by external facing brickwork and upvc doors and windows.

The property is set back from the highway by a driveway with space for 4+ cars. The locality is characterised by detached properties on either side of the highway of varying scales and designs. The site is within the built up area of East Grinstead.

APPLICATION DETAILS

The application seeks a Lawful Development Certificate under Section 191 of the Town and Country Planning Act 1990 for the existing change of garage doors to French doors on the front elevation of 70 Holtye Road, East Grinstead.

The application is supported by the following schedule of documents:

- o Location Plan
- o Previous Elevation Plan

- o Present Elevation Plan
- o Planning Statement

This information states that the doors were installed in 2017.

LEGAL FRAMEWORK

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 use 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.

ASSESSMENT

As this is not a planning application, the planning merits of the development are not relevant. The test is to establish on the balance of probabilities that what is being sought in the LDC has occurred. The submitted evidence must be precise in order for the LPA to clearly say in a certificate, exactly what is lawful.

It must be established whether on the balance of probabilities that the french doors replacing the garage doors in question has been substantially complete and has been for a period of 4 years or more since the date of the LDC application. That the evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability. For the purposes of this application, it is necessary for the evidence to prove French doors replacing the previous garage doors have been substantially complete prior to the 5th February 2022.

The planning statement states that the doors were installed by Provincial Windows in 2017. Google Street View images show that in April 2017, an up and over garage door was in place as indicated in the supplied plans. The Google Street View image dated August 2018, shows that the garage door was in place. This therefore confirms that the French doors were fitted between April 2017 and August 2018. It also states that at the time planning advice was sought and advice was given stating that planning permission was not required for this operation, however no reference number was supplied by the applicant relating to this advice.

MSDC records show that pre-application advice was sought on the 29th March 2017 under reference DM/17/1421. The record stated that a replacement of garage doors was discussed. The main points of the discussion were that the garage door would be replaced with double doors of the same width to match the house, and that the applicant was advised that this would be classed as 'Permitted Development under Class A' and that there was the option of the Lawful Development Certificate.

On this basis, the relevant test has been met and an LDC confirming that the works to replace the garage door with French doors can be issued.

CONCLUSION

To conclude it is considered that the applicant has established on the balance of probabilities that the lawful development of the garage door replacement with French doors has been substantially completed for four years. Accordingly, a LDC for the development as described in the application can be issued and the application is permitted.

Decision: Permission

Case Officer: Tracie Axford