

MID SUSSEX DISTRICT COUNCIL

Planning Department
Oaklands Road
Haywards Heath
RH16 1SS

17 July 2026

Dear Sir / Madam,

APPLICATION UNDER SECTION 191 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) FOR A CERTIFICATE OF LAWFUL EXISTING USE IN RESPECT OF THE CONTINUOUS USE OF THE BUILDING AS AN OFFICE (USE CLASS E (G) (I)) AT CHERRY TREE FARM, HOLTYE ROAD, EAST GRINSTEAD, RH19 3PP.

This application is made under Section 191 of the Town and Country Planning Act 1990 (as amended) (known henceforth as "The Act"). The statutory framework for applications such as this, and their determination, is set out in Section 191-193 of The Act.

Section 191 of The Act states that:

(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 matters

This application is to confirm that the continued use of the office, as shown within the corresponding Site Location Plan at Cherry Tree Farm, Holtye Road, East Grinstead, RH19 3PP is lawful.

Article 39 of The Town and Country Planning (Development Management Procedure) (England) Order 2015 states that an application for a certificate of lawfulness must be accompanied by the relevant application forms and (a) a plan identifying the land to which the application relates, (b) such evidence verifying the information included in the application as the applicant can provide; and (c) a statement setting out the applicant's interest in the land, the name and address of any other person known to the applicant to have an interest in the land and whether any such other person has been notified of the application.

For clarity, this application comprises the following plans and documents:

- Location Plan (WPD6126/A/01 -B)
- Existing Block Plan (WPD6126/1/02 -B)
- Existing Plans and Elevations (WPD6126/A/10 -B)

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- Covering Letter (This Letter)
 - Enclosure 1 - Statutory Declaration of Mr Gary Charles Coomer
 - Enclosure 2 – Statement of Truth Mr Samuel Osborne
 - Enclosure 3 – Supporting Documents (Private and Confidential)

Paragraph 2 of Section 191 of The Act states that:

For the purposes of this Act uses and operations are lawful at any time if–

- a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and*
- b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force*

Section 171B of The Act sets out the time limits that enforcement action can be taken for development. In relation to use of the office, as identified within the Location Plan (WPD6126/A/01 -B) *‘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’*.

Mr and Mrs Coomer purchased Cherry Tree Farm, Holtye Road, East Grinstead, RH19 3PP and took up residence at the property on 31 July 2015.

Prior to this, their business, GC Alarms Ltd, operated from their former home in Biggin Hill. Upon moving to Cherry Tree Farm, the business relocated with them. The building to which this application relates was considered suitable for this purpose, as it already benefitted from electricity, a water supply and reliable internet connectivity.

Since 31 July 2015, the building has been used continuously as the sole operational base for GC Alarms Ltd. It accommodates the day-to-day administrative functions of the business, including office administration, customer correspondence, invoicing, accounts, telephone calls, scheduling of engineers, management meetings, record keeping and the general management of the company. The building has therefore been in continuous use for purposes ancillary to, and in support of, the operation of GC Alarms Ltd since that date.

Paragraph (4) of Section 191 then states that *‘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 Planning Practice Guidance (PPG) states that *‘In the case of applications for existing use, if a local planning authority has no evidence itself, or 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’* (Paragraph: 006 Reference ID: 17c-006-20140306).

It also highlights that *‘The applicant is responsible for providing sufficient information to support an application’* (Paragraph: 006 Reference ID: 17c-006-20140306). The onus is therefore on the applicant to provide sufficient evidence to support the application, and it should only be refused if the Council have any contrary evidence to, on the balance of probability, refute the applicant’s version of events.

This application includes a suite of evidence which demonstrates that the office has been in continuous use since 2015.

Enclosure 1 provides a Statutory Declaration of Mr Gary Charles Coomer

Enclosure 2 provides a Statement of Truth of Mr Samuel Osborne, together with p60 end of year certificate and invoice dated 30 May from Samuel Osborne of Origin Security Systems.

Enclosure 3 provides supporting documents including invoices, correspondence and business records

Please note, it is requested that enclosure 3 is not made available for public viewing as this contains sensitive business information.

In this case, the evidence is clear, consistent and compelling. It comprises documentary evidence from numerous independent sources over an uninterrupted period from 2015 to 2026, including invoices for the purchase of stock and specialist security equipment, customer invoices, invoices relating to local advertising and marketing, SSAIB accreditation, audit and subscription documentation, recurring business subscriptions and operational expenses, insurance and business risk documentation, together with correspondence from HM Revenue & Customs, the Valuation Office Agency, accountants, banking institutions and other third parties.

The evidence clearly demonstrates that GC Alarms Limited has continuously operated its business from Cherry Tree Farm, Holtye Road, East Grinstead, as its established office and operational base, from which it has administered the business, purchased stock and equipment, maintained industry accreditations, advertised its services, invoiced customers and conducted its day-to-day commercial operations.

The evidence spans an uninterrupted period of approximately eleven years (2015–2026) and therefore exceeds the ten-year period within which enforcement action could have been taken pursuant to section 171B of the Town and Country Planning Act 1990 (as applicable to the relevant period). The evidence originates from numerous independent third parties and covers every material aspect of the company's trading activities. Collectively, it establishes, on the balance of probabilities, that the use has been continuous throughout the relevant period.

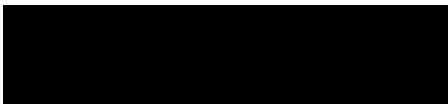
We also believe it to be highly unlikely that the Council have any evidence to the contrary of that submitted.

On the balance of probability, the evidence clearly confirms the applicant's series of events to be true. In relation to Section 191 of The Act, no enforcement action may be taken in relation to the use of the office as the time for enforcement action has expired, and they do not constitute a contravention of any of the requirements of any enforcement notice in force. According to Section 191 of The Act, the ongoing use of the office is therefore, entirely lawful.

We therefore request that a Certificate of Lawfulness is issued in relation to the use of the office.

If you have any queries in relation to this letter or require any further information, please don't hesitate to contact me.

Yours sincerely,



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