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For Official use

App No:

Date Rec:

Fee:

Application for a Lawful Development Certificate for an Existing Use or Operation or Activity, including those in breach of a planning condition

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

28

Suffix

Property Name

Address Line 1

The Martins

Address Line 2

Address Line 3

West Sussex

Town/city

Crawley Down

Postcode

RH10 4XU

Description of site location must be completed if postcode is not known:

Easting (x)

535431

Northing (y)

137886

Description

Applicant Details

Name/Company

Title

Mrs

First name

Clare

Surname

Horle

Company Name

Address

Address line 1

28 The Martins

Address line 2

Address line 3

Town/City

Crawley down

County

Country

United Kingdom

Postcode

Rh104xu

Are you an agent acting on behalf of the applicant?

- ☐ Yes
- ☒ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

Reason for Lawful Development Certificate

Please indicate why you are applying for a lawful development certificate

- ☒ An existing use
☐ Existing building works
☐ An existing use, building work or activity in breach of a condition

Being a use, building works or activity which is still going on at the date of this application.

If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please select the relevant Use Class.

Description of Existing Use, Building Works or Activity

Please fully describe each existing use, building works or activity for which you want the lawful development certificate. Where appropriate, show to which part of the land each use, building works or activity relates

Residential garden with a retaining, single thickness, breeze block wall, steps and level surface creating a drop between levels of the garden, built in July 2021. (uploaded photo of the wall currently).

The wall is in the back south-east facing garden and runs from the NE boundary to the SW boundary of the property in parallel to the house.

One part of the wall built out level with the house footings as a path, one area as a square leveled space (filled with soil), steps down (rubble filled) and one length of wall acting as a boundary line between the eastern property no.27 (not retaining anything). Retained subsoil for beneath an intended path surrounding the back of the house with the intention to put down slabs. Also the retained a level area was originally left as soil, then turfed then later gravelled.

DIMENSIONS:

The wall is retaining a 3.4 x 3.5 raised level running SE stepped in from the boundary line with no. 29. 1m drop to the lower level from top of the wall to lower garden at furthest point from the house. 0.8m drop to the lower level from top of the square retaining wall at closest point from the house or 0.6m drop from the top of the wall along the path that runs in parallel to the houses level.

The wall retaining the path. Path is 0.23 below the top of the bricks of the square retaining wall. The path is 0.14 below the top of the bricks of the retaining wall that links to the NE boundary. This path runs along the back of the house in parallel 6.5m long x 0.9m wide at its narrowest (SW side) and 1.15 at its widest (NE side). This path is 2 bricks below the door into the house and is level with the original houses garden access path that runs along side the SE side of the house.

Where the wall runs along boundary line with no. 27 it is 3.08m long with a 0.8m drop to the lower level from the top of the wall or 0.6 from the top level of the path running parallel to the house.

Steps lead from the top level of the property to the lower level. Steps are on the NE side of the square raised area. There are 3 steps with rise down from top step of the wall by path dropping 0.25cm, then 0.20cm from top step to second step, then 0.20cm from second step to third step, then 15cm from third step onto the lower level of the garden.

(Use measurements with plan with wall shown in blue in evidence uploads).

USAGE- used as a level lawn, pathway to access the back of the house and steps down to the bottom garden. The path was slabbed on 19th Nov. 2022. The turf wasn't working as I have a bigger dog who was killing it, so I put down garden membrane on top of the turf and put plastic interlocking grids and added gravel in January 2025 and constructed a wooden pergola in February 2025 screwed together and drilled into a wooden sleeper frame for stability (no concrete). The steps were slabbed early April 2022 so my son could have his birthday party in the garden. Still need to add rubber roofing tiles to the pergola. Used the same as before.

Grounds for application for a Lawful Development Certificate

Under what grounds is the certificate being sought

*Where the use, building works or activity began **before 25 April 2024***

- ☐ The use began more than 10 years before the date of this application
- ☐ The use, building works or activity in breach of condition began more than 10 years before the date of this application
- ☐ The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- ☒ The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- ☐ The change of use to use as a single dwelling house began more than four years before the date of this application.
- ☐ Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

*Where the use, building works or activity began **on or after 25 April 2024***

- ☐ The use, building works or activity began more than 10 years before the date of this application.
- ☐ The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years.
- ☐ Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation?

- ☐ Yes
☒ No

Please state why a Lawful Development Certificate should be granted

Based on evidence provided (bank statements, text messages, photos, videos and witness statement), I believe the raised area qualifies for a LDC under the 4 year rule.

Since this work was done at the end of July 2021 there have been no concerns raised by neighbours with privacy or other concerns, it was only the construction of the pergola that raised a concern with a neighbour whether the wooden pergola that I built this February 2025 is lawful? Tanye Leete from planning at Mid Sussex District Council has been out to site and advised that the pergola itself is fine, but she has asked for a LDC to be sought for the retaining brick wall and leveled areas. If not the retaining wall will need to be demolished and the pergola rebuilt on a different level.

The square grass area at this level has been used by my family of 4 and friends as a small lawn for years without concern, The pergola doesn't change how we look out, it does change the view of anyone looking back and acts as more privacy and shade for us. I can add a trellis to the west and southern sides to block us off from any onlookers or squash any concerns of overlooking. Id rather not do the south side as it will block my view of the big magnolia tree in my garden that flowers on my birthday every year, but will do so if its needed. As we are south facing the pergola has allowed us to use our back garden more but not actually under it as the shade shades the lower part of the garden to the east side of the steps and so we are using this space much more.

Previously before the wall was built there was a significant level drop that was causing us issues with not being able to grow grass, slipping on the mud and after I broke my arm in the back garden we got someone in to build the retaining wall. This wall also created a retained path area parallel to the back of the house. On 19th Nov 2022 I laid slabs down on the retained path area along the back of the house so we could better use it.

Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

26-07-2021

In the case of an existing use or activity in breach of conditions has there been any interruption?

- ☐ Yes
☒ No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?

- ☐ Yes
☒ No

Residential Information

Does the application for a certificate relate to a residential use where the number of residential units has changed?

- ☐ Yes
☒ No

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☐ Yes
☒ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☐ The agent
☒ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☒ Yes
☐ No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

***** REDACTED *****

First Name

***** REDACTED *****

Surname

***** REDACTED *****

Reference

EF/25/0063

Date (must be pre-application submission)

11/08/2025

Details of the pre-application advice received

Submission of the application to be within one month of her email 11/09/2025 for the retaining wall and leveled area. MSDC originally contacted from one of my neighbours about the pergola, did not disclose the details, she visited the site and assured me the pergola is within planning regulations but the levelled area it is on needs this certificate applied for. Because I was concerned about the expense being doubled if I apply and fail and still need to get in help to take everything down and should I just take it down vs applying. She said she couldn't say either way but was hopeful that as it was just within the 4 year period that it could go through but obviously no guarantees.

Interest in the Land

Please state the applicant's interest in the land

- ☒ Owner
☐ Lessee
☐ Occupier
☐ Other

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☐ Yes
- ☒ No

Declaration

I/We hereby apply for Lawful development: Existing use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Clare Horle

Date

11/09/2025