
Appeal Decision

Hearing held on 20 December 2016

Site visit made on 20 December 2016

by Wendy McKay LLB Solicitor (Non-practising)

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 January 2017

Appeal Ref: APP/P0240/X/16/3151905

The Stables, Toddington Common, Dunstable Road, Toddington, Dunstable, LU5 6DX

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr and Mrs D Smith against the decision of Central Bedfordshire Council.
- The application Ref CB/15/04424/LDCE, dated 6 November 2015, was refused by notice dated 18 March 2016.
- The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
- The use for which a certificate of lawful use or development is sought is the use of a dwellinghouse for residential purposes.

Summary of Decision: The appeal is dismissed.

Preliminary Matters

1. The Appellants' Statement of Case criticises the Council for considering the application the subject of this appeal under s.191 of the 1990 Act and submits that it was clearly an application under s.192. It states: "*The application does not involve any existing or proposed operational development; the issue is whether the use of a lawful dwellinghouse for residential purposes would be lawful under s.192 of the Town and Country Planning Act 1990.*"
2. At the Hearing, the Appellants' representative clarified their position on this point. It was contended for the first time that this was a hybrid application under both s.191 and s.192. This was for first, the operational development involved in the erection of a dwellinghouse (s.191) and secondly, the use of a dwellinghouse as a dwellinghouse (s.192). He complained that the application and appeal forms and the online process did not allow him to tick the right boxes at an earlier stage. It was submitted that, as a matter of law, it was not right to confine the consideration of whether the development is lawful or not to s.191. In that respect, support was drawn from the case of *Welwyn Hatfield Borough Council v SSCLG [2011] UKSC 15* and, in particular, paragraphs 17 and 68.
3. The Council submits that neither paragraph 17 nor 68 of the *Welwyn Hatfield* decision in any way indicate that the section of the Act under which an application for an LDC is made is irrelevant. An applicant with a lawful building seeking to establish a future use could indeed apply under s.192 but they

would need to make a s.192 application. In this instance, the Appellants have chosen to make an application under s.191. In those circumstances, pursuant to s.195(2) the Secretary of State on appeal must consider whether the Council's refusal of that particular application was well-founded. That represents the correct statutory approach and there is nothing in the *Welwyn Hatfield* decision that undermines that position.

4. The heading to the LDC application form submitted on behalf of the Appellants by their professional planning agent read: *"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: Section 191....."*. The application form, at section 7, categorised the application as relating to *"an existing use"* and, at section 8, it described the use as *"Certificate of Lawfulness of Existing Use or Development (CLEUD) for the use of a dwellinghouse for residential purposes"*. The supporting statement submitted with the application described it as being for a *"Certificate of lawfulness of existing use or development"* on the front cover and also at paragraph 1.1.
5. The appeal form submitted on behalf of the Appellants by their agent indicated in response to the instruction *"Select the section under which the application was made"*, that it was made under *"Section 191"*. The Appeal Statement at section H of the appeal form states: *"The application was made for an existing use or development ..."*. The only reasonable conclusion that can be derived from all this documentary evidence is that the original application was indeed made under s.191 in respect of an existing use. Given the scope for providing supporting information at various stages, I place little weight upon the claimed limitations imposed by the online forms.
6. The Appellants submit that it is appropriate to deal with this as a hybrid application since s.191 is only applicable for dealing with cases where immunity from enforcement action is gained through passage of time. However, s.191(2)(a) states that: *"For the purposes of this Act uses and operations are lawful at any time if – (a) no enforcement action may 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)"*. Thus, s.191 is quite obviously not limited in its scope in the manner suggested by the Appellants and their case potentially falls within the ambit of s.191(2)(a).
7. At the Hearing, the Appellants confirmed that at the time the application was made the relevant building was being used as a dwellinghouse. To my mind, it is abundantly clear that the application was made pursuant to s.191 for a certificate of lawfulness of existing use or development and it was entirely correct for the Council to consider it under that section of the Act. It is equally obvious from the application and supporting statement, that what was sought was confirmation that the existing use of the appeal site was lawful and not the operational development comprised in the erection of the building on the land. Indeed, the Statement of Case confirms that consideration of the lawfulness of existing or proposed operational development is not involved. I have no doubt that this was an application made pursuant to s.191(1)(a) of the 1990 Act. That is quite clearly the nature of the application the subject of this appeal.

8. The Appellants' agent indicated that if the application could only be considered under s.191 then he would expect the grant of a certificate confirming the lawfulness of the erection of a dwellinghouse as operational development on the site. However, that would not fall within the scope of the application as made to and considered by the Council. There is no merit in the Appellants' contention that this should be dealt with as some form of 'hybrid' application and appeal extending to a proposed use and/or existing operational development.
9. The Statement of Case also contends that the Council incorrectly changed the description of the development in the application when it had no power to do so under s.192. The decision notice refers to *'the use of the building as a dwellinghouse for residential purposes'* rather than *'the use of a dwellinghouse for residential purposes'*. At the Hearing, the Appellants agreed that if I considered this to be an application under s.191 rather than s.192 then there would indeed be such a power of modification open to both the local planning authority and to the Secretary of State on appeal should such a revised description be considered appropriate.

The Main Issue

10. The main issue is whether the Council's decision to refuse to grant a certificate of lawful use or development (LDC) was well-founded and, in particular, whether the existing use for which a certificate is sought would be in contravention of an enforcement notice currently in force.

Reasons

Background matters

11. The Council issued two enforcement notices in respect of the site in July 2014. The first notice (Notice A) alleged: *"without planning permission the material change of use from agriculture to a mixed use of agriculture, residential and retail sales"*. The second notice (Notice B) alleged: *"without planning permission the carrying out of building operations to create a single storey structure with display windows and entrance doors for use for commercial purposes."* These notices were the subject of an appeal hearing in February 2015 and the Inspector's decision is dated 5 June 2015. The Inspector dismissed the appeals and upheld both notices subject to the breach of planning control in Notice A being corrected by substituting *'single dwellinghouse'*, for *'residential'* in the description of the mixed use alleged.
12. The Inspector found that the original agricultural barns/building on the site had not been converted to residential accommodation and use, but had been demolished. She states, at paragraph 19, that: *"As a matter of fact and degree, the buildings that comprise the dwellinghouse are not converted buildings but 'new' buildings."* She then finds, at paragraph 20, that: *"...there has been no change of use of the buildings and the case of Secretary of State for Communities and Local Government and another v Welwyn Hatfield Borough Council establishes that s.171B(2) does not apply to the use of a building as a single dwellinghouse if there is no change of use. Therefore the ten year period applies to the notice in Appeal A"*. She concludes on the

ground (d)¹ appeal that the use as a single dwellinghouse was not immune from enforcement action.

13. S.191(2)(b) of the Act provides that uses and operations are lawful if: *"they do not constitute a contravention of any of the requirements of any enforcement notice then in force."* The Council refused the application the subject of this appeal on the ground that: *"The use of the building as a dwellinghouse for residential purposes would constitute a contravention of a requirement of an enforcement noticewhich is currently in force. The use is therefore not lawful by reasons of the provisions of Section 191(2)(b) of the Act"*.
14. It is a requirement of Notice A to: *"Cease the use of the land for residential purposes and remove from the land all sleeping furniture, fixtures and fittings and residential paraphernalia."* It is the aforementioned requirement of Notice A that the Council submit would be contravened by the use.
15. S.285 of the 1990 Act effectively ensures that an appeal under s.174 is the only method of challenge to the validity of an enforcement notice on the grounds prescribed by s.174(2), except where challenge is by way of defence to prosecution under s.179 and by a defendant who falls within s.285(2). In this case, an appeal has been made pursuant to s.174 and there has been no challenge in the High Court under s.289 to the 2015 Inspector's decision. The time period for making such an appeal has long since passed and the notices remain extant.
16. At the Hearing, the following matters were agreed:
 - The operational development comprised in the erection of the building on the site the subject of this appeal was substantially complete by 2009.
 - Those building works are therefore immune from enforcement action and hence lawful.
 - The Appellants' intention from the outset was to use the building as a dwelling house.
 - The land the subject of Notice A includes the site of the building in dispute.
 - The Appellants do not seek to challenge the validity of Notice A as corrected by the 2015 appeal decision.

The relevance of s.75 of the 1990 Act

17. The Appellants' 'Appeal Statement' places reliance upon s.75 of the 1990 Act and submits that, as the building was erected and designed for the purposes of it being used as a dwellinghouse, the use of the lawful building for that purpose is also lawful. The Council points out that s.75 falls under a heading *"Effects of planning permission"*. S.75(2) provides that: *"Where planning permission is granted for the erection of a building, the grant of permission may specify the purposes for which the building may be used."* S.75(3) states that: *"If no purpose is so specified, the permission shall be construed as including permission to use the building for the purpose for which it is designed."*

¹ An appeal on the ground that at the time the notice was issued, it was too late to take enforcement action against the matters stated in the notice.

18. S.75 therefore only applies where planning permission has been granted. In this case, there was no application for permission to construct a residential dwelling on the site and no permission has been granted. At the Hearing, the Appellants' agent agreed that s.75 does not apply in its strict meaning. He relies upon it simply by way of a corollary since the building was designed and built as a dwellinghouse. It is clear that the provisions of s.75 do not concern the building in question and that this section of the Act does not assist the Appellants in their pursuit of this appeal.

The lawfulness of the existing use

19. The Appellants' raise the question of what constitutes development requiring planning permission and refer to the definition of "*development*" set out in s.55(1) of the 1990 Act, namely, "*...the carrying out of building, engineering, mining or other operations, in, on, over or under land, or the making of any material change in the use of any buildings or other land.*" Thus, the distinction is made in the Act between operational development and the making of a material change in use.
20. The Council accepts that the operational development comprised in the erection of the building that now occupies the appeal site is lawful development by virtue of s.171B(1). The Appellants contend that the use of this lawful dwellinghouse for residential purposes cannot constitute a change of use, let alone a material change of use, and its use for those purposes is not therefore development under s.55(1). They submit that it is a lawful use for which an LDC should be granted.
21. In advancing their case on that basis, the Appellants make a number of criticisms of the 2015 Inspector's decision. The Appellants' Supporting Statement, paragraph 2.13, claims that: "*It appears that the Welwyn Hatfield case has been applied incorrectly in the 2015 appeal and consequently the 10 year period under s.171B(3) was applied and the appellant's ground (d) appeal was dismissed.*" In paragraph 2.19 of the same document it is stated that: "*The Inspector in the 2015 appeal decision referenced above has erred in concluding that as there has been no change of use of the building that the four year rule under s.171(B)(2) cannot apply, with the use then being caught under s.171(B)(3) and the ten year rule was subsequently applied.*" In paragraph 22, they indicate that the LDC application would "*remedy the failure of the Inspector in the recent appeal decision.*"
22. The Appellants complain that the previous Inspector failed to consider whether the use of a dwellinghouse as a dwellinghouse was actually a breach of planning control; she incorrectly just assumed that it was. They contend that in so doing she made the same incorrect assumptions as those made in the *Welwyn Hatfield* and *Lawson* judgments which likewise do not deal with the question as to whether the use in each case would have been unlawful. They also assert that she erred in not inviting the Appellants to make submissions in relation to that matter under a new ground (b) appeal², even though they had not sought to do so.
23. Turning to the *Welwyn Hatfield* case, Lord Mance, at paragraph 17, states: "*Protection from enforcement of a building and its use are thus potentially very different matters.....The building attracts a four year period for enforcement*

² An appeal on the ground that the breach of control alleged in the notice has not occurred as a matter of fact.

under sub-s (1), while its use attracts, at any rate in theory, a ten-year period for enforcement under sub-s (3)." The Council submits that the essence of Lord Mance's statement, at paragraph 17, was recognised in *Lawson v SSCLG [2013] EWHC 3368 (Admin)* which states that: *"If a dwelling house is erected unlawfully and used as a dwelling house from the outset, as in the present case, the unlawful use can still properly be the subject of enforcement action within ten years, even if the building itself, as a structure, becomes immune from enforcement action after four years."* That would seem to be precisely the reasoning adopted and conclusion reached by the Inspector in the 2015 appeal decision.

24. The Appellants seek to distinguish the facts of the *Welwyn Hatfield* and *Lawson* cases from their own situation. In *Welwyn Hatfield*, planning permission was granted for the erection of a hay barn on the site subject to the condition that the said barn *'shall be used only for the storage of hay, straw or other agricultural products and shall not be used for any commercial or non-agricultural storage purposes'*. The Appellants point out that in that case a house had been built that looked like a barn, whereas in the present case there was no question of planning permission having been granted for a building for one use and then using it for another.
25. In *Lawson*, Mr Justice Supperstone, at first instance, considered whether the *Welwyn Hatfield* case was authority for the proposition that, pursuant to the statutory regime contained in s.171(B) of the Act a building, as a structure, can acquire immunity from any requirement for its removal, whereas its use cannot. He expressed the view that: *"Plainly the facts of that case are different from those of the present case, but the relevance of the Welwyn Hatfield decision is the statement made by Lord Mance at paragraph 17 of his Opinion."*
26. Likewise, although the facts of this case differ from those of both *Lawson* and *Welwyn Hatfield*, I do not believe that those differences are such that they undermine the matters of principle which can be derived from the obiter comments set out in those judgments. The previous Inspector was well aware of the important distinction to be made between operational development and the making of a material change in use. She clearly notes, in paragraph 18, that: *"No enforcement action is taken against the single dwellinghouse as a building operation (for which the four year period applies by virtue of s.171B(1) of the 1990 Act) but against the use of the buildings."* The previous Inspector did no more than apply the judges' remarks and reasoning in *Welwyn Hatfield* and *Lawson* quite properly to the facts of the case before her.
27. In response to the Appellants' assertion that no development requiring planning permission has taken place, the Council points to a material change of use having occurred on the wider area of land at The Stables, Toddington. The red line area shown in relation to the LDC application includes only the site of the building in dispute. In contrast, Notice A defines the land to which it relates as being: *"Land at The Stables, Dunstable Road, Toddington, Dunstable, LU5 6DX shown edged blue on the attached plan"*. That defined area comprises the whole of the landholding and includes the site of the building the subject of this appeal.
28. When a local planning authority receives an LDC application it must not confine its considerations solely to the red line area shown in the application plan but instead must identify the correct planning unit. It must then consider whether

there has been a material change of use by reference to that planning unit as a whole - *R (oao Alison Sellars) v Basingstoke and Deane Borough Council [2013] EWHC 3673 (Admin)*.

29. The Appellants do not seek to challenge the relevance of the planning unit in determining an LDC application but they submit that a single dwellinghouse almost always falls within its own separate planning unit and that is the situation in this instance. In support of that stance, they refer to relevant case law including the case of *R (oao Liddiard) v The First Secretary of State [2005] EWHC 3045 (Admin)*.
30. Conversely, the Council submits that the planning unit in this case extends beyond the building to the remainder of the site that is within the ownership of the Appellants and that this wider area is not physically or functionally separate from the red-line area shown on the application plan. The adoption of that wider planning unit was certainly the approach of the 2014 enforcement action. The breach of planning control to which Notice A is directed is a mixed use of the whole of the land. It does not identify the single dwellinghouse use as a separate and distinct use of part only of the site. The Council contends that it is that wider area within the red line on the Notice A plan that falls to be considered and that there has been a material change of use of that land.
31. Although the previous Inspector found that there had been no change of use of the building so that advantage could not be taken of s.171B(2) when assessing the appropriate immunity period, she upheld Notice A with its corrected allegation of a breach of planning control by way of a material change of use of the whole site from agriculture to a mixed use for agriculture, single dwellinghouse and retail sales. The latter activity has now ceased in compliance with the requirements of the notice.
32. In the light of s.285, the arguments now put forward on behalf of the Appellants in relation to the planning unit; whether the single dwellinghouse use formed part of an unauthorised mixed use of the land and whether the use of the building amounts to development, would more appropriately have been made at the time of the previous hearing. As noted above, no challenge was made to the 2015 decision and the relevant time period for making such a challenge has now passed.
33. The Appellants also seek to argue that the relevant requirement of the extant notice applies to the use of the land but not to the buildings sited upon it. They submit that the use of the land is not in question; it is the use of a building and so the requirement does not cover the use of a dwellinghouse for residential purposes.
34. The Council contends that, even if consideration is confined solely to the building itself, there has also been a material change in the use of that land. The land the subject of the extant notice includes the building the subject of this appeal. Previously there were agricultural buildings on that part of the site. That land formerly in agricultural use is now in residential use which amounts to a material change in the use of the land. That material change of use has been subject to enforcement action and the upheld notice requires the cessation of the residential use.
35. S.55(1) makes reference to the '*material change in the use of any buildings or other land*'. S.336(1) defines a "*building*" as including "*any structure or*

erection and any part of a building, as so defined, but does not include plant or machinery comprised in a building”; and “land” means “any corporeal hereditament, including a building, ...”. It is clear that whilst the Act provides separate definitions for a “building” and “land”, the latter is defined to include the former.

36. The notice requires that the use of the land for residential purposes should cease. Given the definition of “land” set out in the 1990 Act and the description of the land to which Notice A relates, I consider that the requirements of that notice apply not only to the use of the land but also to the use of the buildings sited upon it.
37. In upholding Notice A, the previous Inspector concluded that there had been a material change of the use of the land affected by it which includes the current appeal site. The single dwellinghouse use of the building forms part of that unauthorised mixed use of the wider area of land. That material change of use constitutes development for which planning permission is required. The requirement of the extant notice applies to the residential use of the building on the site that the previous Inspector identified as being in use as a single dwellinghouse. The use of that building as a dwellinghouse would be in contravention of a requirement of Notice A. The grant of an LDC is therefore precluded by virtue of s.191(2)(b) and the existing use for which a certificate is sought is not lawful.

The future use of the building and the options available to the Appellants in the event that this appeal is dismissed

38. The Appellants submit that, in the event of this appeal being unsuccessful, they would have little or no other options available to them and no use could be made of the structure. They contend that they could not apply for planning permission to use their single dwellinghouse as a dwellinghouse, since it would not be a change of use amounting to development for which planning permission is required. They would end up with a dwellinghouse that could lawfully be used for nothing, other than keeping sheep.
39. The Council does not accept that a planning application could not be made, given that the lawful use of the land is for agriculture. The Council’s approach is that there is no reason, in principle, why a planning application seeking a material change of use from that lawful use could not be considered and determined by it as the local planning authority.
40. The Appellants also rely upon paragraphs 17 and 68 of *Welwyn* to support the contention that no action should be taken against the single dwellinghouse use in those circumstances. In *Welwyn*, paragraph 17, Lord Mance in considering the application of a 10 year immunity period for the use of a building as a dwellinghouse indicates that: “...once a planning authority has allowed the four year period for enforcement against the building to pass, principles of fairness and good governance could, in appropriate circumstances, preclude it from subsequently taking enforcement steps to render the building useless.”
41. In *Welwyn*, paragraph 68, Lord Brown also in agreeing with Lord Mance’s detailed judgment on the construction and application of s.171B(2) comments that: “...Parliament appears to have contemplated that a dwelling house built by way of unpermitted operational development would be enforced against, if at all, within the requisite four-year period provided by s171B(1) – failing which

the authority probably would not ordinarily seek to enforce against its continued use as a house."

42. The previous Inspector, at paragraph 46, gave consideration to the question of the future use of the buildings. She concluded that: *"The original buildings had an agricultural purpose and there is an ongoing agricultural use of the land. I therefore see no reason why the current buildings, once the requirements have been complied with, could not be used for an agricultural purpose."* I find no reason to disagree with that considered assessment. In any event, the question of whether further enforcement action should be pursued in respect of the use of the building differs from the assessment of the lawfulness of that use under s.191 that is required for the purposes of this appeal.
43. The Appellants also indicate that should the appeal be unsuccessful, they would invite the Council to withdraw the notice and, if the Council declined to do so, then they would seek judicial review of that decision. Whilst that may represent an option for them to pursue, it is not a matter for my consideration in the context of this appeal.

The issues raised by the Staffordshire County Council v Challinor case

44. The Appellants refer to the case of *Staffordshire County Council v Challinor and another [2007] EWCA Civ 864* and submit that this is a case that would fit the criteria set out therein.
45. In that case, the LDC was granted before the notice was issued and the matter at issue was whether a defendant was able to rely on the LDC when the point had not been taken in the s.174 appeal against an enforcement notice. Hughes LJ concluded that s.285 prevails over s.191(6) but, at paragraph 75, he commented: *"It is certainly possible to envisage rare cases in which this law may work some injustice. They will be confined to those in which both (a) there is a defect in the enforcement notice which can irrefutably be established, and (b) the landowner had an understandable reason for omitting to pursue a s174 appeal.....So in such a case, rare as it may be, the landowner could perhaps find himself with a cast iron defence to a prosecution under an enforcement notice which he is prevented by s.285 from advancing."*
46. The Appellants contend that there was no way that they could have raised a ground (b) or ground (c)³ appeal on the question of whether development was involved in the use of the dwellinghouse, as they had no way of knowing in advance that the Inspector would take the line that she did. It was only through discussion at the site visit that it became apparent that new structures had been built and that the original barns/buildings had been demolished. The ground (c) appeal was made in respect of the retail use and the retail sales building rather than the use for residential purposes.
47. The 'Procedural Matters' section of the 2015 decision records that at the hearing the Appellants withdrew their ground (c) appeals in respect of the residential change of use of the building under permitted development rights and relied upon their appeals on grounds (d) and (a) in relation to that aspect of the development. However, the Inspector also records that matters arose during the oral evidence that affected the immunity time period and further representations were sought from the parties by way of a letter sent by the

³ An appeal on the ground that the matters set out in the notice (if they occurred) do not amount to a breach of planning control.

Planning Inspectorate to both parties after the hearing had closed. Although the status of the buildings was clarified during the site visit it would seem that the hearing remained open at that point. It is apparent from the decision that it was Mr Smith himself who made it quite clear at the hearing that he had not converted the original buildings but had built new structures. Whilst the Appellants were not legally represented at that time, their agent was a professional planning consultant. There would seem to be no reason why the points now raised in relation to whether development requiring planning permission had taken place could not have been put forward on behalf of the Appellants during the hearing or in the later written submissions. Alternatively, there remained the option of an appeal to the High Court, if the procedure adopted by the Inspector was considered to be unfair or contrary to the rules of natural justice.

48. This appeal does not provide an example of the type of rare case envisaged by Hughes LJ. There is no obvious defect in the enforcement notice, nor did the landowners have any understandable reason for omitting to pursue all relevant grounds in their s.174 appeal. The Appellants could have raised the argument that the use of the building for residential purposes was lawful given the lawfulness of the building itself in a ground (c) appeal under s.174 against the notice. In any event, as the Appellants themselves point out, the issues raised by the *Staffordshire County Council* case are not matters which directly concern me in the consideration of this LDC appeal.

The Mansi principle

49. The Appellants also raise the case of *Mansi v Elstree RDC [1965] 16 P and CR 153* from which can be derived the proposition that an enforcement notice cannot take away legally permitted rights. That case was considered by the court in *Staffordshire County Council v Challinor* and Keene LJ comments, at paragraph 52, that: "*The authorities ...certainly do not establish any general right to assert existing use rights at a time when the enforcement notice has come into effect after an unsuccessful appeal or in the absence of an appeal. Such rights must be asserted at the time of appeal against the enforcement notice. If the landowner sleeps on those rights he will lose them.*"
50. This is not a case where an enforcement notice took away any pre-existing permitted development or lawful use rights, and I do not find there to be any conflict with the *Mansi* principle. Furthermore, had there been any such issues and potential conflict then the Appellants should have raised this before the previous Inspector or by means of a challenge to the decision in the High Court.

Overall conclusion

51. In the light of s.285 of the Act, this appeal is not the appropriate way to raise any challenge to the validity of the previous Inspector's decision. By virtue of that 2015 decision there is an enforcement notice currently in force which includes the requirement to cease the use of the land the subject of the notice for residential purposes. The appeal building is included within that land and the existing use for which the certificate is sought contravenes the relevant requirement of Notice A. S.191(2)(b) therefore precludes the grant of an LDC in this case.

Formal Conclusion

52. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the use of a dwellinghouse for residential purposes was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in s.195(3) of the 1990 Act as amended.

Formal Decision

53. The appeal is dismissed.

Wendy McKay
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Michael Rudd of Counsel
Mr Matthew Green
Mr D Smith
Mrs M Smith

FOR THE LOCAL PLANNING AUTHORITY:

Ms Isabella Tafur of Counsel
Mr Mike Duffett

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Attendance List
- 2 Copy letter sent by the Council notifying local people of the hearing
- 3 Copy enforcement notice dated 11 July 2014
- 4 Opening Statement on behalf of Central Bedfordshire Council
- 5 Lawson Builders Ltd, Paul Lawson and Jennifer Lawson v SSCLG and Wakefield MDC [2013] EWHC 3368 (Admin)
- 6 R (oao Alison Sellars) v Basingstoke & Deane Borough Council [2013] EWHC 3673 (Admin)