



Appeal Decision

Hearing held on 26 September 2023

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2023

Appeal Ref: APP/W2845/X/22/3306721

Allgreen Farm, West Haddon Road, Ravensthorpe, Northampton NN6 8EU

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended (the 1990 Act) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Ms Katherine Anne Creswell against the decision of West Northamptonshire Council.
 - The application ref WND/2022/0506, dated 6 June 2022, was refused by notice dated 7 July 2022.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which an LDC is sought is the siting of a cabin for use as a dwelling.
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Decision

1. The appeal is dismissed.

Reasons

2. Section 171B(3) of the 1990 Act specifies that for the siting of a cabin for use as a dwelling to be immune from enforcement action, and thus to be lawful, the use must have subsisted uninterrupted for a period in excess of ten years. For the purposes of this appeal the ten-year period is that before the date of the application; 6 June 2022. So to be lawful the use of the land must have commenced before 6 June 2012.
3. The Appellant's late Partner, Mr D Griffiths, who passed away in October 2021, purchased Allgreen Farm in late 2011. On the land at that time were a portal framed storage building, a timber stable block of four stables, and a small feed/tack room. In the early months of 2012 thefts and vandalism occurred so, to provide security, the Appellant and Mr Griffiths brought a touring caravan onto the land in March 2012.
4. In early May 2012 two wheeled trailers were brought to Allgreen Farm. These trailers became the bases for the two sections of the cabin that is the subject of the application. Construction of the cabin followed but as stated by the Appellant in writing, in a letter appended to her Statutory Declaration, and verbally at the Hearing, it was not occupied as a dwelling until July 2012. Prior to moving into the cabin the Appellant and Mr Griffiths occupied the touring caravan.
5. Occupation of the touring caravan between 6 June 2012 and first use of the cabin as a dwelling cannot be a part of the ten-year period of use of the cabin as a dwelling that is necessary for that use to be lawful. On the date of the application the siting of a cabin for use as a dwelling, irrespective of all other considerations, had not subsisted uninterrupted for a period in excess of ten years.

6. The Appellant, her son and those who have supported her during the application and appeal processes have, to their credit, been entirely honest. It is that honesty, particularly with regard to the date of first use of the cabin as a dwelling, which has resulted in the conclusion reached above.

7. On the evidence now available the Council's refusal to grant an LDC in respect of the siting of a cabin for use as a dwelling at Allgreen Farm, West Haddon Road, Ravensthorpe, Northampton was well-founded and the appeal fails. The powers transferred in section 195(3) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

Inspector

APPEARANCES

FOR THE APPELLANT:

Mr S Charles LLB LARTPI	Aardvark Planning Law
Ms K Cresswell	Appellant
Mr T Hall	Appellant's Son
Mr M Ferguson	Consultant

FOR THE LOCAL PLANNING AUTHORITY:

Ms E Buchanan	Planning Officer
Ms M Jarvis	Principal Enforcement Officer