



Appeal Decision

Site visit made on 11 December 2023

by J A Murray LLB(Hons) Dip.Plan.Env DMS Solicitor

an Inspector appointed by the Secretary of State

Decision date: 19th December 2023

Appeal Ref: APP/W2845/X/23/3323221

**The Old Parish Hall, r/o School Cottage, 30 Station Road, Watford,
Northamptonshire, NN6 7UX**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended against a failure to give notice within the prescribed period of a decision on an application for a certificate of lawful use or development (LDC).
 - The appeal is made by Northingworth Farm Partnership against West Northamptonshire Council.
 - The application ref WND/2022/1126 is dated 4 December 2022.
 - 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 use "for residential purposes in association with School House, in whose curtilage it is situated, for at least 25 years."
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Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the existing use which is found to be lawful.

Preliminary Matters

2. I have determined this appeal without inspecting the site, as the plans, written evidence and submitted photograph contain all the information I need. Having been given an opportunity to object to that course, neither party did.
3. Although the appeal referred to s192 of the 1990 Act, the application was clearly made under s191, for a certificate of lawfulness of existing use.
4. The application referred to "residential purposes in association with School House." An email from the Council to the appellant dated 3 January 2023 suggested the description, use of the Old Parish Hall and associated land "as incidental to the enjoyment of the residential property known as School Cottage." The reference to incidental use is consistent with the appellant's evidence and, in that context, clearer than "residential purposes." However, the reference to School Cottage in the description of the use is inappropriate. Whilst the appeal building is accurately described as being located to the rear of School Cottage, the evidence makes clear it has been used in association with the dwelling known as School House.
5. The application description also referred to the "curtilage" of School House. However, I received no detailed representations concerning the curtilage, and it is not necessary for me to determine its extent. The appellant's case is based on the use of the building over a period of years. The plans, together with

evidence that the appeal building is accessed via School House, and occupied together with it satisfy me that it is within the same planning unit.

Main Issue

6. The issue is whether refusal of an LDC would have been well-founded. There is no evidence that the use was in breach of any enforcement notice in force at the date of the LDC application, so this will turn upon whether the appellant has proved, on the balance of probability that: (a) the use of the appeal building materially changed to use for purposes incidental to the enjoyment of the dwelling known as School House on or before 4 December 2012, being 10 years before the LDC application; and, if so (b) whether that use continued for at least 10 years after the date of change without significant interruption.

Reasons

7. The written evidence from the owner, and separately from the occupier throughout the relevant period, is that the appeal building has not been used as the village or parish hall at least since completion of a new village hall in March 1994. Since that date, if not earlier, the building was used for storage of gardening equipment and other domestic items by the occupant of School House, until the landlord recovered possession in early 2020. That use is of a fundamentally different character to previous use as a parish hall, such that the change was material.
8. The building is accessed only from School House and has been used by no other party since the change of use from the parish hall. There is no evidence of any further change of use of since the landlord recovered possession.
9. The appellant's evidence is in the form of unsworn written statements, but the Council provides no contradictory account; nothing to make the appellant's version of events less than probable. Whilst the appellant's evidence includes limited detail, in the circumstances, it is sufficiently precise and unambiguous. The Council's only point, namely that, the evidence does not indicate use in connection with School Cottage is misconceived, given the appellant's case that the building has been used in connection with School House.
10. I am satisfied on the balance of probability that the use of the appeal building materially changed to use for purposes incidental to the enjoyment of the dwelling known School House before 4 December 2012. The use continued for at least 10 years after the change without significant interruption and without subsequent material change. The change of use was therefore immune from enforcement action and lawful at that date.

Conclusion

11. For the reasons given above I conclude, on the evidence now available, that a refusal by the Council to grant a certificate of lawful use or development in respect of use of the appeal building for purposes incidental to the enjoyment of the dwelling known as School House would not have been well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

J A Murray

INSPECTOR



The Planning Inspectorate

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 4 December 2022 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in black on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The use of the building on the land materially changed to use for purposes incidental to the enjoyment of the dwelling known as School House, Station Road, Watford, Northamptonshire before 4 December 2012. That use continued for at least 10 years after the date of change without significant interruption or subsequent material change and it was not in contravention of any enforcement notice in force on 4 December 2022.

Signed

J A Murray
Inspector

Date: 19th December 2023

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First Schedule

Use for purposes incidental to the enjoyment of the dwelling known as School House, Station Road, Watford.

Second Schedule

Land at The Old Parish Hall, r/o School Cottage, 30 Station Road, Watford, Northamptonshire, NN6 7UX

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule was lawful, on the certified date and, thus, was not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.



The Planning Inspectorate

Plan

This is the plan referred to in the Lawful Development Certificate dated: 19th December 2023

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Land at: The Old Parish Hall, r/o School Cottage, 30 Station Road, Watford, Northamptonshire, NN6 7UX

Reference: APP/W2845/X/23/3323221

Scale: Not to Scale

