



## Appeal Decision

**by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 July 2025**

**Appeal Ref: APP/M1595/X/24/3348629**

**Greenwood, High Road, Fobbing, Thurrock SS17 9HN**

- 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 James Wright against the decision of Thurrock Council.
- The application Ref 24/00429/CLEUD, dated 16 April 2024, was refused by notice dated 24 May 2024.
- The application was made under section 191(1)(b) of the Town and Country Planning Act 1990 as amended (the Act).
- The development for which a certificate of lawful use or development is sought is retain and continue the use of a timber outbuilding as a self-contained annex (ancillary to the main dwelling).

### Decision

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

### Procedural Matter

2. Due to the locus of the Decision being concerned with the sufficiency of evidence submitted demonstrating lawfulness accrued over time, it was not necessary for me to conduct a site visit to determine the appeal. The Decision was made on the submitted evidence.

### Main Issue

3. The main issue is whether or not the Council's refusal of the LDC was well-founded.

### Reasons

4. For the avoidance of doubt, the LDC is **not** sought for a new dwelling physically and functionally unconnected with the pre-existing 2 storey house upon the land. Rather, the certificate is sought to ascertain lawfulness of the operational development which is the erection of the timber outbuilding. That outbuilding is to be used ancillary to the main dwelling, upon the same planning unit with no material change of use of the land.
5. The appellant has provided sufficiently precise and unambiguous evidence<sup>1</sup> demonstrating on the balance of probabilities that the outbuilding was substantially completed more than 4 years before the date of application for the LDC.

<sup>1</sup> Dated photographs supported by a statutory declaration to which I afford significant weight, and which (together with contractor-related documents and communications including a 'snagging list' from 2019) lead me to find as a matter of fact and degree that there was substantial completion before the relevant date of 16 April 2020.

6. Accordingly, as regards the breach of planning control, section 171B(1) of the Act provides that no enforcement action could be taken in respect of it. It was, and is, therefore lawful under section 191(2) of the Act.

### **Conclusion**

7. For the reasons given above I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development in respect of the retention and use of a timber outbuilding as a self-contained annex (ancillary to the main dwelling) was not 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.

*Andrew Walker*

INSPECTOR



# 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

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**IT IS HEREBY CERTIFIED** that on 16 April 2024 the operation described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and in red 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:

No enforcement action could be taken in respect of the breach of planning control by reason of section 171B(1) of the Town and Country Planning Act 1990 (as amended).

Signed

*Andrew Walker*

Inspector

Date 28 July 2025

Reference: APP/M1595/X/24/3348629

**First Schedule**

A timber outbuilding as a self-contained annex (ancillary to the main dwelling).

**Second Schedule**

Land at Greenwood, High Road, Fobbing, Thurrock SS17 9HN

## 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 /operations described in the First Schedule taking place on the land specified in the Second Schedule was /were lawful, on the certified date and, thus, was /were 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 /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation 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.



## Plan

This is the plan referred to in the Lawful Development Certificate dated: 28 July 2025

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**Land at: Greenwood, High Road, Fobbing, Thurrock SS17 9HN**

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Scale: Do not scale

