



Appeal Decision

Site visit made on 1 July 2025

by **David Jones BSc (Hons) MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 August 2025

Appeal Ref: APP/P1805/X/23/3330065

The Corn House, Billesley Lane, Portway, Worcestershire B48 7HF

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal in part to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Nick Sherring against the decision of Bromsgrove District Council.
 - The application ref 23/00525/CPE, dated 4 May 2023, was refused in part by the Council by notice dated 21 June 2023.
 - The application was made under section 191(1)(a) and 191(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The use and development for which a certificate of lawful use or development is sought is the use of land adjoining The Corn House for use as part of the residential curtilage and for a detached outbuilding for ancillary domestic use.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. The application for the LDC was made in relation to the existing use of the land adjoining The Corn House as part of the residential curtilage, and existing development in the form of the erection of a detached outbuilding. The Council's decision notice was clear that a certificate was granted in respect of the use of the land for residential purposes in association with The Corn House but refused in respect of the detached outbuilding.
3. The main issue is therefore whether the Council's decision to refuse to grant a lawful development certificate for the detached outbuilding was well-founded. This turns on whether the development benefits from planning permission granted by Article 3(1) and Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("the GPDO").

Reasons

4. The parties agree that the building is incidental to the enjoyment of the dwellinghouse and that it meets all the conditions and limitations set out under Class E, Part 1 of Schedule 2 of the GPDO, other than the limitation at E.1(c). For clarity E.1(c) states that development is not permitted by Class E if:
 - (c) *any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse.*

5. The Permitted Development Rights for Householders Technical Guidance 2019¹ (Technical Guidance) provides guidance on what the principal elevation is. It states that in most cases it will be the part of the house which fronts the main highway, i.e. the one that sets the postcode for the house and contains the main architectural features such as bay windows, porches and main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house. There will only be one principal elevation on a house.
6. The term “original” in relation to a building is defined in Article 2 of the GPDO to mean the building “as existing” on 1 July 1948, or, if built after that date “as so built”. The appellant has produced elevation and floor plans of the property which are said to be from the planning application for the conversion of the buildings into dwellings in around 2003 to 2004. The appellant states that these drawings do not accurately depict what was constructed on site, including a different internal layout and additional external doors and windows. Whilst these differences are noted, based on the available evidence the current layout and design of the dwelling is how the dwelling was built, and is therefore the “original” dwellinghouse for the purposes of the GPDO. I have therefore determined the appeal on that basis.
7. The Council argues that the principal elevation is that which faces the parking area and garage (northern elevation), whereas the appellant argues it is the elevation which faces Billesley Lane (southern elevation).
8. The Corn House is an end of terrace dwelling which forms part of a group of properties that are known collectively as “The Hatchings”. Access to the appeal dwelling is via a private access road off Billesley Lane that leads to the parking area and garage that is immediately in front of the northern elevation. Accepting that it is not a public highway, this access road is the route to the property for occupiers and visitors. The northern elevation also contains the house name sign, and a door that contains a letter box and is what would be described as the front door of the property. The fact that the hall and stairs can also be accessed from patio doors on the southern elevation does not alter my finding that the front door is that on the northern elevation.
9. In contrast, the southern elevation contains large patio doors that open onto a patio area and lawned private garden area which is clearly read as the rear of the dwelling. Consequently, the northern elevation is undoubtably what is seen as the “front” of the house.
10. In terms of architectural features, there are four windows and the front door on the northern elevation, as well as other minor additions including letterbox and house name sign. The southern elevation contains less openings with three windows and one set of patio doors. In my view, the southern elevation appears blander than the northern elevation, particularly at first floor level which is entirely timber cladding save for one modest sized window.
11. I acknowledge that the side (eastern) elevation, which also leads onto a patio and private garden area, contains the most openings with three patio doors at ground level and three windows at first floor level. However, these are not features that I would associate with a principal elevation of a dwellinghouse, and the simple fact that there is one more opening does not alter my finding that the northern elevation

¹ Published by the Ministry of Housing, Communities and Local Government

has the “main architectural features” and the features most associated with a principal elevation.

12. One of the main reasons why the appellant contends that the southern elevation should be considered the principal elevation is because it faces the main highway, Billesley Lane. Whilst the Technical Guidance states that in most cases the principal elevation will be the part of the house which fronts the main highway, the use of the word *most* means that it will not always be the case, and it is not the sole determining factor.
13. In this instance, the southern elevation of the property is only partially visible from Billesley Lane due to mature vegetation and fencing, with there also being a small strip of land between the highway and the rear boundary fencing. Due to a combination of the tall boundary fencing, vegetation, lack of vehicular access, and the top of an outbuilding being visible, when viewed from Billesley Lane the southern elevation undoubtably has the appearance of a “rear” elevation and does not demonstrate the characteristics commonly associated with a principal elevation.
14. The appellant has also referred to examples given within the “Guidance on Householder Permitted Development Rights” document issued by the Scottish Government. However, as permitted development rights differ in Scotland, I cannot give any weight to its guidance in the determination of this appeal.
15. Overall, taking account of all the physical factors and evidence before me, I find the northern elevation of the appeal property to be the principal elevation. Given that the detached outbuilding is located a significant distance to the north-east of the northern elevation, it is therefore situated on land forward of a wall forming the principal elevation of the original dwellinghouse. Consequently, the development fails to meet the requirements of Class E and does not therefore benefit from planning permission granted by the GPDO.

Other Matters

16. I have noted the appellant’s submissions regarding the distance the outbuilding is from the public road, and that it is barely visible to anyone due to mature hedging and trees. However, LDC applications are determined on the basis of fact and law, and the planning merits can form no part of my assessment as to whether a LDC should be granted.
17. Similarly, the appellant has referred to a previous workshop building that existed in a similar position as the detached outbuilding subject of this appeal and considers that this should not be overlooked. I do not have the full site history before me, including whether the Council was aware of any previous outbuilding at the time. Nevertheless, this appeal is in relation to the development proposed in the application and the existence of a building on the land previously would not lead me to conclude differently on the circumstances and evidence of the case before me.
18. The appellant has also drawn my attention to other appeal decisions, including cases where the Inspector has found the principal elevation to not be the same as the “front” of the property. Notwithstanding this, I have determined the appeal having regard to the particular circumstances in this case and the evidence that is before me.

Conclusion

19. 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 detached outbuilding was well-founded and that the appeal fails. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act.

David Jones

INSPECTOR