



---

## Appeal Decision

by Nick Fagan BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 September 2025

---

### Appeal Ref: APP/P0240/X/24/3346507

### Brumfields, Fordfield Road, Millbrook, Bedfordshire MK45 2HZ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
  - The appeal is made by Mr Barry Debenham against the decision of Central Bedfordshire Council.
  - The application ref CB/23/03875/LDCE, dated 16 November 2023, was refused by notice dated 29 January 2024.
  - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (the Act, as amended).
  - The use for which a certificate of lawful use or development is sought is the use of stable block/barn as a residential dwellinghouse (Class C3).
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The outcome of the appeal turns on considering relevant aspects of planning legislation including evidence provided of the alleged continuous use and not on assessing matters of planning merit that would normally require a visual site inspection of the premises. I have therefore been able to determine the appeal without a site visit. Neither side has been prejudiced by this course of action.

### Main Issue

3. The main issue, as usual in LDC appeals, is whether the Council's decision to refuse a LDC is well-founded.

### Reasons

4. S171B of the Act sets the time limits or immunity periods for enforcement action and therefore lawful development. Although the immunity period is now 10 years<sup>1</sup>, the transitional arrangements confirm that for unauthorised change of use to a single dwellinghouse it remains at 4 years where the change of use took place before 25 April 2024, which is the allegation here.
5. The appellant's appeal statement, which itself is rather confusing and contains many grammatical and spelling errors, essentially states that the appellant and Ms Wheeler have lived continuously in the (former) stable block/barn since March 2018 to the date of the application. Attached to this statement are various documents that allegedly evidence this, such a DVLC V5 car registration document, a TV Licensing payment plan letter and letters from insurers addressed to both him and Ms Wheeler at the appeal address.

---

<sup>1</sup> As introduced by the Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024

6. Also attached to it are four statutory declarations, one of which was sworn in front of a chartered legal executive, by four separate local residents. Apparently, there were similarly sworn statements from the appellant and Ms Wheller and the appellant's photocard driving license listing the appeal site as his address at application stage, though I have not been presented with these documents.
7. However, the Council points to key photographic evidence that contradicts the appellant's allegation of a 4-year continuous use of the building as a dwelling. Two photos (in Appendix D of the Council's appeal statement), which the Council states were taken by an officer at a site visit on 17 September 2020 in determining a subsequent application for the new stable block immediately to the south (CB/20/02642/FULL, subsequently approved on 14 October 2020), clearly show the stable block unconverted to residential use at the time, with no window or door openings. These are very different from the photos (in Appendix E of the Council's statement) taken at the site visit for this LDC application on 11 December 2023, which show the domestic windows and doors as well as the clearly recently (at the time) new unauthorised timber side extension housing the new dwelling's bathroom.
8. There are also letters from neighbours at application stage, as referenced in the Council's delegated report, that confirm that the building was unoccupied prior to November 2021. The appellant's appeal statement maintains that the appellant has been on the electoral role since 2018 but no evidence of such has been supplied. No explanation has been given as to why no Council Tax has been paid in relation to him living at the appeal barn.
9. The Council's above photos are sufficient in themselves to disprove the use of the stables/barn for 4 years prior to the application being made, given that 17 September 2020 is well under 4 years from when the LDC application was submitted on 16 November 2023. Consequently, the building has clearly not been used for 4 years prior to that date and so an LDC for its use as a C3 dwelling cannot be granted.

## **Conclusion**

10. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for the use of stable block/barn as a residential dwellinghouse (Class C3) is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

*Nick Fagan*

INSPECTOR