
Appeal Decision

Inquiry held on 9 September 2025

by **P N Jarratt BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 September 2025

Appeal Ref: APP/Q1153/X/25/3365653

Garage at SX 369 802, Greystone Bridge, Launceston, PL15 9PD

- 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 Lawrence Grose against the decision of West Devon Borough Council.
 - The application ref 0621/25/CLE, dated 5 March 2025, was refused by notice dated 7 May 2025.
 - 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 as a single dwellinghouse.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the determination of the appeal relies entirely on historic evidence of fact, I did not consider that an accompanied site inspection was necessary, to which the parties agreed. I did nevertheless view the appeal property and its environs from the public highway prior to the inquiry in order to appreciate the locational context of the site.
3. For the avoidance of doubt, the planning merits of the proposed development are not relevant and they are not therefore an issue for me to consider, in the context of an appeal under section 195 of the Town and Country Planning Act 1990 as amended, which relates to an application for a lawful development certificate. My decision rests on the facts of the case, and on relevant planning law and judicial authority.
4. The onus of proof rests with the appellant and the standard of proof is on the balance of probabilities.
5. Evidence was taken under oath.
6. Ms Hanlon corrected typing errors in her proof of evidence at paragraph 3.3 to clarify that the garage was not in residential use at the time of the drafting of the brochure and also at paragraph 3.5 correcting the date to 9 March 2022.

Main Issue

7. I consider the main issue in this appeal to be whether the Council's decision to refuse to grant an LDC was well founded. In particular, the question is whether the appellant's evidence is precise and unambiguous enough to show that it is more likely than not that the change of use of the appeal property occurred four years or

more before the application for the LDC was made. As the date of the application is 26 February 2025, and received by the Council on 27 February 2025, the critical date to demonstrate that the change of use occurred is 25 February 2021, thereby allowing the development to become lawful through the passage of time in accordance with s171B92(a)).

The appeal site and relevant planning history

8. The appeal site is known as Rose Cottage and is a former freestanding domestic garage separated from its original host dwelling (The Tollhouse – formerly known as Angars Cottage) by a public highway. It is claimed that it has been adapted as an existing self-contained annex since its construction in 1992. It is on two floors and has a separate vehicular access, parking, an external amenity space and an established garden.
9. An agreed Statement of Common Ground sets out the planning history of the site of which the more relevant ones to this appeal are:
 - Application 1771/22/FUL for a “proposed separate dwelling from existing annex (retrospective)” was refused and dismissed on appeal in December 2023 (APP/Q1153/W/22/3312802).
 - Application 0351/24/FUL to regularise the established use of a detached garage associated with the Tollhouse as a self-contained annex was refused and an appeal dismissed in December 2024 (APP/Q1153/W/24/3344421).

Reasons

10. The appellant in evidence stated that his son bought the appeal property in January 2021 which he subsequently acquired from him¹ with the first date of residential occupation being 1 February 2021, although his written evidence refers to it being his full-time residence since March 2021, which he conceded was incorrect. At this time, the property contained two bedrooms, a kitchen with a sink and a toilet. He refitted the kitchen and bathroom and completed the works by the end of 2021.
11. No receipts for any of the work or materials acquired have been submitted in evidence and Mr Grose did not call any witnesses or provide any sworn statements that would have supported his claims.
12. He also claims that the property has been continuously used as a residential dwelling since its construction and has been connected to all essential services from this time. He also stated at the inquiry, but not in his written evidence, that two women were occupying the appeal property at the time of its acquisition. Elsewhere in his evidence, Mr Grose claims the residential use began in 2008 which is also the date referred to in his application 0351/24/FUL.
13. The appellant has submitted a number of photographs as evidence but these are undated and fail to show any residential occupation of the property.
14. The Purple Bricks Property Sales Brochure² describes the Toll House property and clearly states that it includes a double garage. The brochure comments that the garage is “Ideal second property with necessary planning consents” containing a storeroom, lobby/hall and stairs leading to games room/office. Elsewhere in the

¹ In appeal APP/Q1153/W/24/3344421 the Inspector concluded that The Tollhouse and Rose cottage were in the same ownership.

² Appendix 1 to Ms Hanlon’s proof of evidence

brochure it is stated that the "Double garage and games room would lend itself to an individual cottage subject to planning consents." No reference is made to the garage having a bedroom, kitchen or lavatory. Although the brochure is not dated, these sales particulars provide evidence that, at the time of acquisition by the appellant's son, the double garage had not had any historical independent residential use.

15. Giving the benefit of the doubt to Mr Grose about the date he first occupied the property, which he says was 1 February 2021, this date precedes the critical date necessary to prove lawfulness. However there are factors that raise doubts over the date of residential occupation.
16. A Building Notice Acceptance³ describes the details of work as "conversion to habitable" and is dated 27 July 2021 indicating that works intended to make the property capable of residential occupation had not yet taken place. Mr Grose expressed a different view at the inquiry on what he considered constituted "conversion to habitable" implying that the works had been on-going.
17. The appellant's application to name/number a new property was submitted on 9 March 2022⁴, referred to the Building Notice and confirmed that the work would not be completed until 2 May 2022 and that the finished property would not be occupied until 16 May 2022. Mr Grose's response at the inquiry was that the application form did not ask the question whether the property was occupied, but this makes little sense in the context of his response on the form.
18. Planning Policy Guidance at paragraph 005 (ref 17c-006-20140306) on LDCs states that in the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.
19. In this case, the appellant's evidence is muddled and contradictory and no convincing explanation has been given as to why he gave dates for the completion of works and dates of occupation which are much later than the claimed date of residential use.
20. It appears that the appellant has failed to distinguish the use of the property as an annex to The Tollhouse and its use as a separate dwelling which are quite distinct uses in terms of planning law and in the context of LDC considerations.
21. I note that Mr Grose has sought to regularise the use of the building through his various planning applications and whilst he has sought professional advice in respect of some of these, it does not appear that he has done so for the LDC application or for this appeal in connection with the presentation of evidence or the calling of witnesses. This is entirely his prerogative. Although I can exercise some discretion in my decision to reflect his lack of understanding of planning law and procedures, the appellant's evidence is so imprecise and ambiguous such that it does not achieve the level of proof necessary. It does not show on the balance of probability that the property has been used as a single dwellinghouse continuously for a period of four years or more before the application for an LDC.

³ Appendix 2 to Ms Hanlon's proof of evidence

⁴ Appendix 3 to Ms Hanlon's proof of evidence

Conclusion

22. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for use as a single dwellinghouse 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).

P N Jarratt

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Lawrence Grose represented himself

FOR THE LOCAL PLANNING AUTHORITY:

Mr Rowan Clapp, Barrister, instructed by West Devon District Council.

He called

Ms Bryony Hanlon, Senior Planning Officer, West Devon Borough Council

INTERESTED PARTIES:

None

DOCUMENTS

- 1 Opening statement of WDDC
- 2 Planning Appeal statement by the appellant
- 3 Closing submissions on behalf of WDDC