
Appeal Decision

Site visit made on 23 October 2025

by D A Hainsworth LL.B(Hons) FRSA Solicitor
an Inspector appointed by the Secretary of State

Decision date: 27th October 2025

Appeal Ref: APP/X2410/X/24/3356669
28 Wordsworth Road, Loughborough LE11 4LQ

- The appeal is made by David Gutwirth of Dimensions Planning under section 195 of the Town and Country Planning Act 1990 against the failure by Charnwood Borough Council to give notice of their decision on an application for a lawful development certificate made under section 191(1)(b).
 - The application Ref: P/24/1727/2 was made on 30 September 2024.
 - The development for which the certificate is sought is a "3m rear extension".
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Decision

1. The appeal is dismissed.

Reasons for the decision

2. Section 195 requires an assessment to be made as to whether, if the Council had refused the application, their refusal would or would not have been well-founded. The assessment is based on the lawfulness of the development at the time of the application. The planning merits of the development are not relevant to the appeal and there is no planning application before me.
 3. The Town and Country Planning (General Permitted Development Order) (England) Order 2015, Article 3(1), Schedule 2, Part 1, Class A authorises the enlargement, improvement or other alteration of a single dwellinghouse, subject to the limitations in A.1 and the conditions in A.3.
 4. The Council do not dispute that the extension complies with the limitations in A.1 and they accept that the extension was substantially completed on 24 July 2024 as stated on the application form. However, they maintain that when the property was inspected on 16 July 2024 the first floor was occupied as a flat and the ground floor together with the extension was in the process of being converted into a flat. The appellant maintains that at the time of the inspection the property was occupied by two brothers, the owner's sons, who were living together as a single household and were registered for Council tax.
 5. The authorised use of 28 Wordsworth Road at the time of the inspection was use as a single dwellinghouse. If the extension was built in connection with an existing use of the property or part of it as a flat or flats, it was not permitted development since the flat or flats were unauthorised and the definition of
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'dwellinghouse' in the Order does not include a building containing one or more flats or a flat within such a building.

6. The evidence of the Council's officers is clear and is supported by photographs taken at the time of the inspection. The first floor was then already in use as a self-contained flat with its own secure entrance off the hallway. It had all the facilities required for independent domestic use. The conversion of the ground floor into a separate self-contained flat was well-advanced; it also had its own secure entrance off the hallway and some of its toilet facilities had already been installed in the extension. In these circumstances, I find on the balance of probabilities that the extension was as a matter of fact built in connection with an existing use of the property as one or more flats or a flat within the building and that it was therefore not permitted development.
7. I am satisfied that, if the Council had refused the application, their refusal would have been well-founded. The appeal has therefore been dismissed, as required by section 195(3).

D.A.Hainsworth

INSPECTOR