
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: 4th November 2025

Appeal Ref: APP/X2410/X/24/3355433

**Land and buildings at Rough Hill, Benscliffe Road, Newtown Linford,
Leicestershire LE6 0AG**

- The appeal is made by Mandeep Singh of Belton Investments Limited under section 195 of the Town and Country Planning Act 1990 against a refusal by Charnwood Borough Council to grant a certificate of lawful use.
- The application Ref: P/23/1485/2, dated 16 August 2023, was refused by notice dated 5 March 2024.
- The application was made under section 191(1)(a).
- The use for which the certificate is sought is "continued use of buildings and associated land for use/operation of business comprising a commercial stud farm and dog breeding and training facility".

Decision

1. The appeal is dismissed.

Reasons for the decision

2. Section 195 requires an assessment to be made as to whether the Council's refusal of the application is or is not well-founded. The assessment is based on the lawfulness of the use at the time of the application. The planning merits of the use are not relevant to the appeal and there are no planning applications before me.
3. The application form states that the buildings and associated land have all been used for the operation of a business comprising a commercial stud farm and dog breeding and training. It states that the certificate should be granted because the evidence demonstrates that this use began on 31 December 2007, which is more than 10 years before the date of the application, and that there has been no interruption or material change of use of the property since then. The applicants claim therefore that at the time of the application the use was lawful under section 191(2) as no enforcement action could then have been taken in respect of the use, since the time for enforcement action had expired.
4. The Council refused the application for the following reasons:-
 - "1. insufficient evidence has been submitted to describe the *suis [sic]* generis uses the certificate was sought for with sufficient precision or clarity in order for a certificate to be granted; and

2. the submitted evidence does not demonstrate the commercial uses to have been operated independently from the residential occupation of the neighbouring dwellinghouse.”
5. The extensive evidence submitted by the appellants, which is summarised in paragraphs 2 to 11 of their Final Statement, demonstrates on the balance of probabilities that business activities comprising a commercial stud farm and a dog-breeding and training facility have been undertaken at Rough Hill and that they have been carried on for longer than the requisite immunity period. The activities were conducted by the two people who lived in the house at Rough Hill. All the property at Rough Hill is now vacant, but there is no indication that any immunity obtained has been lost.
 6. I saw at my visit that extensive facilities, including several stables, garages, storage spaces, a manège, a paddock and other land, had been deployed in the business activities. The location of these facilities has been identified on Exhibit RS1, Drawing No.001, and there should be no difficulty in drafting a certificate if it is determined that one should be granted. The determining issue is whether the business activities are a stand-alone use for this purpose.
 7. Throughout the relevant period, Rough Hill was occupied by the same people as one entity consisting of the house and the business premises. The businesses were of a kind that required onsite round-the-clock supervision for reasons of animal security and welfare. This usually means that persons with suitable qualifications and experience have to live onsite to provide the standard of care required. There is no accommodation here apart from the house. There is no evidence that anyone other than the occupiers of the house were involved in the businesses or that anyone else provided any supervision.
 8. The house would also have been used for administrative purposes associated with the businesses since there were no such facilities within the business premises. In addition, the access and parking areas were shared and the triple garage belonging to the house was in shared use as kennels.
 9. *Burdle & Williams v SSE & New Forest DC* [1972] 1 WLR 1207 is the leading case for determining what the planning unit is here against which to assess whether the business activities are a stand-alone use justifying the grant of a certificate. It was held in that case that the planning unit is usually the unit of occupation. This principle should be applied in this instance. At Rough Hill, the unit of occupation is the house and the business premises together, which are not physically and functionally separate from each other.
 10. I have therefore concluded that the certificate should not be granted. I am satisfied that the Council’s refusal of the application was well-founded in part and the appeal has therefore been dismissed.

D.A.Hainsworth

INSPECTOR