



Appeal Decision

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th November 2025

Appeal Ref: APP/P0119/X/25/3360873

The Bungalow, Grove Lane, Hinton, South Gloucestershire SN14 8HF

- 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 CDMPC against the decision of South Gloucestershire Council.
 - The application ref P24/02498/CLP, dated 24 October 2024, was refused by notice dated 8 January 2025.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The development for which a certificate of lawful use or development is described on the application form as: *'It is proposed to carry out alterations to bring this property up to modern living standards, with vastly improved heating, insulation, and ventilation. The works include, raising the roof to accommodate an additional floor, replace garage roof and attached to main house. Construct utility & snug, and dining room & additional bedroom on the ground floor. Construct partition walls on the first floor to accommodate 2 bedrooms, an ensuite and family sized bathroom, all within as much of the existing footprint as possible.'*
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Decision

1. The appeal is allowed and attached to this decision is a certificate of lawful use or development describing the proposed operations which are found to be lawful.

Preliminary Matters

2. I consider that the appeal can be determined without the need for a site visit. This is because I have been able to reach a decision based on the information already available.
3. The description of the proposed development in the banner heading above is taken from the application form. As far as I was made aware, the revised description used by the Council in determining the application was not agreed with the appellant. However, the appeal form suggests that the description has been changed. Therefore, in assessing the proposal and for the Certificate I have adopted the same description as on the appeal form, which is similar to that found on the Council's decision notice.
4. Whether an LDC should be granted for the proposal is strictly a matter of fact and law. Therefore, planning merits considerations are not before me.

Main Issue

5. The main issue in the appeal is whether the Council's refusal to grant an LDC was well-founded. This turns on whether it has been shown that planning permission is granted for the proposal by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) at Article 3(1), Schedule 2, Part 1.

Reasons

6. The burden of proving the lawfulness of the proposal rests firmly on the appellant, the relevant test of the evidence being on the balance of probability.
7. The appeal site contains a detached single storey dwelling, with a freestanding garage located at the side. It is proposed to erect a single storey extension at the side and rear of the dwelling and to erect a front porch along with a freestanding residential outbuilding, the latter to be located towards the end of the rear garden.
8. The GPDO at Article 3(1), Schedule 2, Part 1 grants planning permission for certain development within the curtilage of a dwelling. This includes the enlargement, improvement or other alteration of a dwelling in Class A, the erection or construction of a porch outside any external door of a dwelling in Class D and the provision of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwelling as such, in Class E. The permission granted by Class A is subject to all of the specified limitations and conditions being met, where relevant. There are also specified limits on the permission granted by Classes D and E.
9. Paragraph A.1(f)(ii) of Class A provides that to be permitted by the GPDO, a single storey rear extension should not exceed 4m in height. Paragraph A.1(j)(i) provides that to be permitted by Class A, a single storey side extension should also not exceed 4m in height. At Article 2(2), the GPDO confirms that the height of a building (which would include part of a building) should be measured from 'ground level', i.e., the level of the surface of the ground immediately adjacent to the building in question or, where the level of the surface of the ground is not uniform, the level of the highest part of the ground adjacent to it.
10. The appellant supplied an extract from one of the scaled drawings that accompanied the application, clearly showing that the highest part of the roof of the extension would not exceed 4m above the level of the adjacent ground. The height measurement was taken at the rear of the extension, where the adjacent ground is at its highest level. The Council did not explain how it had concluded that the extension would exceed 4m in height, nor was there any evidence to cast doubt on the accuracy of the appellant's drawings. Therefore, the available evidence shows that the extension would meet the 4m height limit in paragraph A.1(f)(ii) and (j)(i).
11. There is no dispute that the extension would not extend beyond the rear wall of the original dwelling by more than 4m or have a width greater than half that of the original dwelling, thus meeting the other limitations in paragraphs A.1(f) and (j) respectively, or that the other relevant limitations in paragraph A.1 would be met. Nor is it disputed that the condition in paragraph A.3(a), which requires the external materials of the extension to be similar in appearance to those of the existing dwelling, would be met.
12. Furthermore, there is no dispute that the porch would not exceed any of the limitations relating to its size and location, or the origin of the dwelling, set out in paragraph D.1 of Class D, or that the outbuilding is required for a purpose incidental to the enjoyment of the dwelling as such and would not exceed the limitations relating to its size and location, or the origin of the dwelling, in paragraph E.1 of Class E. Having undertaken my own assessment, there is little reason to find that the proposal would not meet the limitations and conditions of Class A and the limitations of Class D and E where relevant.

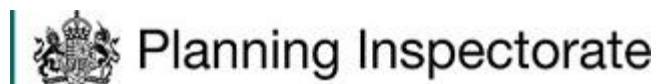
13. Therefore, based on the available evidence, on the balance of probability and in the light of the particular circumstances before me, the appellant has shown that the proposal is granted planning permission by the GPDO at Article 3(1), Schedule 2, Part 1, Class A, D and E and so is lawful for planning purposes.

Conclusion

14. For the reasons given above, I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development for a porch, side/rear extension and outbuilding at The Bungalow, Grove Lane, Hinton, South Gloucestershire SN14 8HF is not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me in section 195(2) of the 1990 Act (as amended).

Stephen Hawkins

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 24 October 2024 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in black on the plan attached to this certificate, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

On the balance of probability, planning permission is granted for the proposed operations by Article 3(1), Schedule 2, Part 1, Class A, Class D and Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), those operations being shown on the following drawings, all dated 23 October 2024-Location Plan, Existing Block Plan, Proposed Block Plan, Existing Floor Plan, Floor Plans, Roof Plans, North Elevations, East Elevations, South Elevations, West Elevations, Garden Office Plans & North Elevation Street Scene.

Signed

Stephen Hawkins

Inspector

Date: **11th November 2025**

Reference: APP/P0119/X/25/3360873

First Schedule

Porch, side/rear extension and outbuilding

Second Schedule

Land at The Bungalow, Grove Lane, Hinton, South Gloucestershire SN14 8HF

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use /operations described in the First Schedule taking place on the land specified in the Second Schedule would have been lawful, on the certified date and, thus, was /were not liable to enforcement action, under section 172 of the 1990 Act, on that date.

This certificate applies only to the extent of the use /operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use /operation which is materially different from that described, or which relates to any other land, may result in a breach of planning control which is liable to enforcement action by the local planning authority.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.

Plan

This is the plan referred to in this decision dated: 11th November 2025

by Stephen Hawkins

Land at: The Bungalow, Grove Lane, Hinton, South Gloucestershire SN14 8HF

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Scale: Not to Scale

