



Appeal Decision

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2025

Appeal Ref: APP/J0405/X/24/3350479

Bryerley Springs Farm, Galley Lane, Great Brickhill, Milton Keynes MK17 9AA

- 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 Robert Bryan Rumbold against the decision of Buckinghamshire Council - North Area (Aylesbury).
 - The application ref 24/00495/CPE, dated 8 February 2024, was refused by notice dated 19 April 2024.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which an LDC is sought is existing apartments at the Top Yard – 1 x studio, 3 x 1 bedroom apartment and 1 x 2 bed apartment.
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Decision

1. The appeal is allowed and attached to this decision is an LDC describing the proposed use which is found to be lawful.

Preliminary Matters

2. Determination of the appeal requires an assessment of documentary evidence. In these circumstances visiting the site is unnecessary. The appeal has been determined without undertaking a site visit.

Reasons

3. An appeal is determined on the basis of 'all the evidence now available' and an Appellant is entitled to bring forward evidence, in addition to that submitted at application stage, in support of his appeal. The Appellant has submitted significant evidence in support of his appeal, including updated statutory declarations and extracts of tenancy agreements and bank statements. All the evidence now available demonstrates that the five residential units at Top Yard have been occupied continuously for the four year period prior to the date of the application, and are therefore immune from enforcement action. Council Officers are commended for their careful consideration of the additional evidence and their concession that it overcomes the reason for refusal of the application.
4. For the reasons given above, and on all evidence now available, the Council's refusal to grant an LDC for existing apartments at the Top Yard – 1 x studio, 3 x 1 bedroom apartment and 1 x 2 bed apartment at Bryerley Springs Farm Galley Lane, Great Brickhill, Milton Keynes was not well-founded and the appeal succeeds. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

Inspector

Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(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 8 February 2024 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged and cross-hatched in black in black on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The residential use has subsisted continuously for a period of four years and is therefore immune from enforcement action.

Signed

John Braithwaite

Inspector

Date: 24 November 2025

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First Schedule

Existing apartments at the Top Yard – 1 x studio, 3 x 1 bedroom apartment and 1 x 2 bed apartment

Second Schedule

Land at Bryerley Springs Farm, Galley Lane, Milton Keynes MK17 9AA

NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule was lawful, on the certified date and, thus, was 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 described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use 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.

Scale: Not to Scale

