



Appeal Decision

Site visit made on 8 September 2025

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th November 2025

Appeal Ref: APP/Q4625/X/23/3335582

Oakfield Farm, Bradnocks Marsh Lane, Hampton in Arden B92 0LH

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended (the Act) against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr Yogesh Randawa against the decision of Solihull Metropolitan Borough Council.
- The application ref PL/2023/01644/CLOPUD, dated 2 August 2023, was refused by notice dated 27 September 2023.
- The application was made under section 192(1)(b) of the Act.
- The development for which a certificate of lawful use or development is sought is a single storey side extension.

Decision

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

Main Issue

2. The main issue of this appeal is whether the decision of the Council to refuse an LDC was well-founded.

Reasons

3. An application under section 192(1) of the Act seeks to establish whether any use or operations proposed to be carried out in, on, over, or under land would be lawful. In a LDC application, the onus is on the applicant to demonstrate on the balance of probabilities that the proposed development would be lawful.
4. Subject to limitations and conditions, Class A, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (GPDO) permits the enlargement, improvement or other alteration of a dwellinghouse. Paragraph A.1(e)(i) of the GPDO states that development is not permitted by Class A if the enlarged part of the dwellinghouse would extend beyond a wall which forms the principal elevation of the original dwellinghouse.
5. The appellant's case is that the east elevation of the dwelling is the principal elevation and therefore the side extension would be permitted development under Class A. Whereas, the Council argue that the west elevation is the principal elevation of the dwelling and therefore would not be permitted development as the side extension would extend beyond the principal elevation, not complying with paragraph A.1(e)(i) of the GPDO. This is the only matter of dispute between the parties.

6. The Council refers to the approved plans¹ of the original house from 1955. These plans show a porch above the entrance to the house which is on the west elevation that leads to a circulation area labelled “Hall” on the plans. These plans also show a driveway serving the west elevation of the property which fronts the main highway (Bradnocks March Lane) to the west. For these reasons, the Council argues that the principal elevation of the original dwellinghouse is the west elevation.
7. The appellant argues that the original dwellinghouse was not constructed in accordance with the approved plans from 1955, indicating that the driveway to the west of the property was never constructed and that the formal entrance opening was in the east elevation with a driveway constructed to the east. Evidence to support this claim includes photographs, a written statement from a previous occupier of the property which includes sales particulars and a photograph, and architectural plans from the years 1955, 1956, 1969, 1987, 1991 and 1992.
8. The approved plans from 1955 show doors in both the west and the east elevations of the property. The porch above the door in the west elevation as well as this door opening into a room annotated on the plans as “Hall” could mean that the intention was for this to be the main entrance into the property.
9. No substantial evidence has been provided that the driveway shown on the 1955 plans was constructed. The 1956 plans appear to be for a garage extension with the doors of the garage opening to the east, which leads me to deduce that the vehicle access and a driveway was from the east of the property. Whilst this matter does not specifically preclude a driveway to the west having been constructed, on the balance of probability I consider it unlikely.
10. The plans from 1969 for an extension to the west, as well as the existing plans from 1987 show that there were entrance doors from the east and the west with the door from the west opening into a room annotated on the plans as a “porch”. The proposed plans from 1987 and the plans from 1991 and 1992 show alterations to the property which includes a new entrance door to the east with a canopy over it, as well as an entrance door and sliding doors in the west elevation.
11. The witness statement from a Philip Michael Kirkham states that he lived in the property from 1958 to 1979 with his parents living there from when it was built until 1987. Mr Kirkham describes that there was never a driveway to the west of the property and that the elevation facing Bradnocks Marsh Lane was always the rear of the property.
12. I have had regard to the “Permitted development rights for householders Technical Guidance 2019” which defines principal elevation as *in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.*
13. The main highway (Bradnocks March Lane) is to the west however, in this instance, there appears to have always been an access lane to the south with vehicular access to the property from the east which has served the house. Therefore, I do not

¹ Planning application PL/1955/14524/HIS

consider the position of the property in relation to the main highway a deciding factor in terms of the principal elevation.

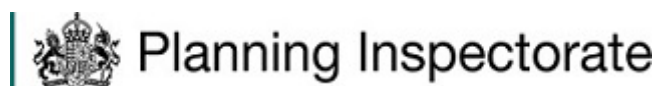
14. The architectural plans from 1956 to 1969, including the existing plans from 1987 have all shown entrance doors in the east and west elevations. Whilst some of these drawings indicate that the room from the door in the west have been described as a “hall” or a “porch”, this nevertheless does not provide clarity that the door in the west was used as the primary access to the house. Indeed, the witness statement from Mr Kirkham, who resided in the house along with his parents who lived there from the 1950’s to 1987, states that the elevation facing Bradnocks March Lane (the west elevation) was always the rear of the property. This therefore implies that Mr Kirkham and his parents believed the east elevation to be the front of the house.
15. The architectural features of the property which include a centralised door position with a large canopy feature in the east elevation, as well as the sliding patio style doors leading onto a patio area to the west, have been in place since around 1987, as shown on the submitted architectural plans and photographs. These architectural features, along with the driveway and access to the property being to the east, indicate to me that the main entrance to the house is from the east elevation.
16. On the balance of probability and from the evidence before me, in particular, the witness statement from Mr Kirkham, the existence of a door in the east elevation since the property was built, the position of the access and driveway to the property, and the architectural features of the property from 1987, I am satisfied that the principal elevation of the dwellinghouse is the east elevation.
17. For the reasons given above, I find that the proposed single storey side extension would not extend beyond a wall which forms the principal elevation of the original dwellinghouse and therefore it is permitted development in line with Class A, Part 1 of Schedule 2 of the GPDO.

Conclusion

18. 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 single storey side extension 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 Act.

Chris Baxter

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 3 August 2023 the operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged in red 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:

The development is “permitted development” falling within Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 for which planning permission is granted by Article 3(1) of that Order.

Signed

Chris Baxter

Inspector

Date: **27th November 2025**

Reference: APP/Q4625/X/23/3335582

First Schedule

Single storey side extension

Second Schedule

Land at Oakfield Farm, Bradnocks Marsh Lane, Hampton in Arden B92 0LH

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 the Lawful Development Certificate dated: 27th November 2025

by Chris Baxter BA (Hons) DipTP MRTPI

Land at: Oakfield Farm, Bradnocks Marsh Lane, Bradnocks Marsh, Solihull B92 0LH

Reference: APP/Q4625/X/23/3335582

Scale: Not to Scale

