



Appeal Decision

by **L Douglas BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05th December 2025

Appeal Ref: APP/K3605/X/24/3339352

Christmas Cottage, St. Georges Avenue, Weybridge, Surrey KT13 0BS

- 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 Mrs Kristi Robinson against the decision of Elmbridge Borough Council.
 - The application ref 2023/1506, dated 25 May 2023, was refused by notice dated 21 July 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 rear extension.
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Decision

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

Main Issue

2. The main issue is whether the Council's decision to refuse to issue an LDC was well-founded.

Reasons

3. The site is a large, detached dwelling. It is proposed to erect a single storey rear extension with a maximum depth of 5 metres (m). It is the appellant's case that the proposal would have benefited from planning permission granted by Article 3(1) and Class A of Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) on the date of the application for an LDC.
4. Planning permission is granted by Class A for the enlargement, improvement or other alteration of a dwellinghouse, subject to limitations and conditions. Paragraph A.1(f) of Class A states that such development would not be permitted, subject to paragraph A.1(g), where the enlarged part of the dwellinghouse would have a single storey and extend beyond the rear wall of the original dwellinghouse by more than 4m in the case of a detached dwellinghouse. Paragraph A.1(g) of Class A states that such development would not be permitted in this particular case if the enlarged part of the dwellinghouse would have a single storey and extend beyond the rear wall of the original dwellinghouse by more than 8m. Paragraph A.4(1) of Class A states that conditions A.4(2) to (16) apply to development which exceeds the limits in paragraph A.1(f), but is allowed by paragraph A.1(g).
5. The appellant provided the Council with the information set out at condition A.4(2) of Class A as part of an application seeking prior approval, and the Council provided the appellant with written notice that its prior approval was not required

for the development on 16 May 2023¹. It was at that point that the planning permission granted by the GPDO for the proposed development crystallised.

6. The appellant would have therefore been able to comply with condition A.4(10)(a) of Class A, which stipulates that development must not be begun before the Council provided such written notice. There is no evidence before me to suggest that the proposal may not comply with condition A.4(11)(b) of Class A, which requires the development to be carried out in accordance with the information provided by the appellant in accordance with condition A.4(2) of Class A.
7. The information before me is clear that the proposal would have benefitted from the planning permission granted by Article 3(1) and Class A of Part 1, Schedule 2 of the GPDO on the date of the application for an LDC.
8. The Council's officer report is undetailed and merely states that the proposal would not have accorded with paragraph A.1(f) of Class A. However, the precise wording of that limitation is clear that it is subject to paragraph A.1(g), which the proposal would accord with. The Council's appeal statement is also undetailed, and notes there is no impediment to the development for which prior approval was sought being implemented. I therefore find the Council's subsequent claims that the proposal did not follow the prior approval process set out at paragraph A.4(1) of Class A to be extremely odd. Indeed, the Council's documents and reasoning lack clarity and detail, rendering its case difficult to follow.
9. The Council's case appears to rely on the claim that the information specified by paragraph A.4(2)(c) of Class A was not provided with the application for an LDC. That information is the addresses of any adjoining premises, but there was no need for the appellant to submit that as part of the application for an LDC. It is not the case, as the Council appears to be suggesting, that the appellant was obliged to submit another application for prior approval as part of the application for an LDC. That would have been illogical. The application for an LDC merely sought confirmation that the single storey rear extension (which the Council had previously confirmed did not require prior approval) would have been lawful if begun on 25 May 2023. The evidence shows it is likely those works would have been lawful at that time. I therefore see no reason why an LDC should not be issued.

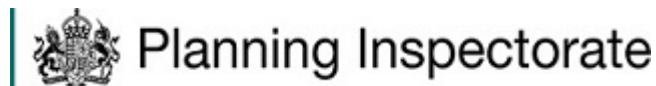
Conclusion

10. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of a single storey rear extension is not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the Act.

L Douglas

INSPECTOR

¹ The Council's ref: 2023/1060



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 25 May 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 proposed single storey rear extension shown on plan number 22152-PD-02-01, Revision A dated 25 May 2023 would have benefited from planning permission granted by Article 3(1) and Class A of Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) on 25 May 2023. Furthermore, the proposed single storey rear extension would have accorded with the conditions and limitations specified by Class A, including those at paragraphs A.1(g) and A.4(1) to (16), on account of the Council providing written notice that its prior approval is not required for the development on 16 May 2023 (the Council's ref: 2023/1060).

Signed

L Douglas

Inspector

Date: **05th December 2025**

Reference: APP/K3605/X/24/3339352

First Schedule

Single storey rear extension

Second Schedule

Land at Christmas Cottage, St. Georges Avenue, Weybridge, Surrey KT13 0BS

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: 05th December 2025

by L Douglas

Land at: Christmas Cottage, St. Georges Avenue, Weybridge, Surrey KT13 0BS

Reference: APP/K3605/X/24/3339352

Scale: Not to Scale

