



Appeal Decision

Site visit made on 1 December 2025

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP
an Inspector appointed by the Secretary of State

Decision date: 15 December 2025

Appeal Ref: APP/J1915/X/24/3351343

2 Churchfield Road, Tewin, Hertfordshire AL6 0JW

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr and Mrs Briers against the decision of East Hertfordshire District Council.
 - The application Ref 3/24/1130/CLPO, dated 17 June 2024, was refused by notice dated 12 August 2024.
 - 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 sought is single storey outbuilding to form ancillary gym to the host dwelling.
-

Decision

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

Main Issue

2. The main issue in the appeal is whether or not the Council's refusal to issue the LDC was well-founded.

Reasons

3. General planning permission for a building within the curtilage of a dwellinghouse incidental to its enjoyment is given by reason of Article 3(1), Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 ('the Order') subject to exceptions and limitations (E1, E2, E3).
4. According to the officer report on the application, the Council does not dispute that the proposal would meet all the exceptions and limitations in respect of Class E were the land considered to part of the curtilage of the dwellinghouse. I have seen no evidence which contradicts or conflicts with that assessment, and see no reason to find otherwise. Further, the proposed gym would be incidental to the enjoyment of the dwellinghouse.
5. Notwithstanding a shared access road running between the northern and southern sections of the dwellinghouse's garden, I find that both (including the northern section upon which the outbuilding is proposed) serve the purpose of a residential garden for the enjoyment of the house. Both parts of the garden are in intimate association with, and part and parcel of, the house. Accordingly, I find as a matter of fact and degree that the land upon which the outbuilding is proposed is part of the dwellinghouse's curtilage.

Conclusion

6. 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 in respect of single storey outbuilding to form ancillary gym to the host dwelling was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Andrew Walker

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 17 June 2024 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 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

General planning permission is afforded by reason of Article 3(1), Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015

Signed

Andrew Walker

Inspector

Date: 15 December 2025

Reference: APP/J1915/X/24/3351343

First Schedule

Single storey outbuilding to form ancillary gym to the host dwelling

Second Schedule

2 Churchfield Road, Tewin, Hertfordshire AL6 0JW

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: 15 December 2025

by **Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP**

Land at: 2 Churchfield Road, Tewin, Hertfordshire AL6 0JW

Reference: APP/J1915/X/24/3351343

Scale: Do not scale

