

Appeals Decision

Site visit made on 12 January 2026

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 19th January 2026

Appeal refs: APP/E3715/C/24/3354091, APP/E3715/C/24/3354092 Peter Hall, Peter Hall Lane, Coombe Fields, Coventry CV2 2DR

- The appeals are made by Mr Pharvinder Singh, (Appeal ref: APP/E3715/C/24/3354091) and Mrs Chatinderjit Kaur Malhi, (Appeal ref: APP/E3715/C/24/3354092), under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against an enforcement notice issued by Rugby Borough Council.
- The enforcement notice was issued on 16 September 2024.
- The breach of planning control alleged in the notice is, without planning permission, the change of use of from a private dwelling house to a mixed use as a private dwelling house and commercial holiday let.
- The requirements of the notice are:
 - (i) Cease the use of the property as a holiday let.
 - (ii) Remove all information in the public domain relating to the availability of the annex for holiday lets, short-term lets or long term lets.
- The period for compliance with the requirements is 28 days.
- The appeals are proceeding on the ground set out in section 174(2)(c) of the Town and Country Planning Act 1990 (as amended).

Summary of decision:

The appeals are dismissed.

Appeal property and development enforced against

1. The appeal property, Peter Hall, is a large brick built house, a former church, and its mostly surrounding grounds, forming part of a group of buildings, including Peter Hall Farm and the Peter Pan Children's nursery, in predominantly open land about 2km south-east of the M6 J2 junction, some 8km north-east of the centre of Coventry.
2. Peter Hall is a Grade II listed building, described as: *House. Converted from C14 and C15 church in C16 with late C18 extensions*. The Council said the property as it stands today as having been constructed of sandstone and brick with a traditional clay tiled roof covering the differing parts of the property.
3. The appeals concern the alleged material change of use of the Peter Hall building from a private dwelling house to a mixed use as a private dwelling house and commercial holiday let.

The appeals on ground (c)

4. An appeal on ground (c) asserts that those matters alleged in the enforcement notice do not constitute a breach of planning control. In an appeal on legal grounds such as in these appeals, the burden of proof to demonstrate there has not been a breach of

planning control lies with the appellant. The case of *Ne/sovil v SSE* [1962] 13 P&CR 151 is authority for that position.

5. The Town and Country Planning (Use Classes) Order 1987 (as amended), (the Order). puts uses of land and buildings into various categories known as 'Use Classes'. Planning permission is not needed for a change of use of land to a new use within the same class, unless restricted by a planning condition. Order Class C3, Dwellinghouses, are dwellings used as a sole or main residence and occupied for more than 183 days in a calendar year. In this instance, the Appellants submitted that planning permission was not needed for a change of use, here, from a C3(a) use by a single person or a family household to a C6 Short Term let use; that is, a dwellinghouse used for commercial short-term letting for not longer than 31 days for each period of occupation.
6. There was some past uncertainty as to the lawful use of Peter Hall. Co-Appellant Chatinderjit Kaur Malhi had asked the Council if they could advise on its current use class. The response said a review of the site planning history showed it was not clear what the use class was today. It looked as if there were applications for the curtilage buildings to change the use to a nursery and the coach house as a dwelling back in the 80s/90s, but the history did not cover the main house, (the former church – now Peter Hall). The listed building detail stated it was a house when it was listed. But that had been in the 1960s; any other uses might have occurred since.
7. In my view, the uncertain status of the lawful use of Peter Hall would have been better resolved by an application to the Council for a certificate of lawfulness as to the use of the appeal property, asserting its use as a single household dwelling. As it is, it is not clear in the representations of either party to this appeal that there is an agreed existing lawful use of the property. For instance, the Council pointed out that both Appellants had acknowledged that they rented out the property to large groups as part of a short-term holiday accommodation business and showed that the Appellants had registered the premises with Rugby Borough Council for business rates in 2019, a classification that was still in place.
8. The unrepresented Appellants were, understandably perhaps, unfamiliar with some of the relevant concerns, accepting they had been unsure as to what a certificate of lawful existing use or development, (CLEUD), was, and stating that, “... there is no use class at all documented with this building ...”. They also commented on the Council’s reference to the building having features not usually required for or found within a private residential dwelling. They noted before they bought the property it had features such as a slot machine for the washing machine. There were also locks on all bedroom doors.
9. In attempting to deal with the uncertain lawful use status of Peter Hall as a starting point, I note the apparent acceptance by the Council in describing the alleged breach of planning control as: “.... the change of use of from a private dwelling house to a mixed use as a private dwelling house and commercial holiday let.”, suggesting it was their view the lawful use of Peter Hall is that of a single household dwelling.
10. Rather than deciding that the appeals should be set aside for uncertainty, I come to a view on the ground (c) appeals based upon the Council’s description of the breach of planning control as the change of use of from a private dwelling house to a mixed use as a private dwelling house and commercial holiday lets.
11. The Council said the appeal site does not benefit from any permitted development rights because of its status as a Grade II listed building. Whilst permitted development rights for listed buildings are restricted, limited changes of use may be allowed provided the change of use does not bring about a definable change in the character

of the main use of the land. A change of use from a residential C3(a) use to a C6 short term let use might be development permitted by the Order where no significant difference in the character of the activities from what has gone on before occurs.

12. However, particularly in view of the Appellants acceptance that the house can accommodate 14 guests, and even though usually the average number of people staying in the house was said to have been between 8 and 10 and that a holiday let could bring 2 to 3 families together, the commercial letting use appears to have been on a scale much larger than, and untypical of, the letting of a single household family dwelling to one domestic family. I consider that the mixed use of Peter Hall by the Appellants' family and by a substantial number of paying guests to be materially different and of a more intense use than the assumed lawful single residential dwelling use of the building and its curtilage, such that it would amount to a use not permitted by the Order. Specific planning permission would be required. Additionally, listed building consent would be necessary, a matter that would require consultation with the Council as Local Planning authority. The appeals made on ground (c) must fail.

Conclusion

13. For the reasons given above, I conclude that the appeals should not succeed. I shall uphold the enforcement notice.

FORMAL DECISION

14. The appeals are dismissed. The enforcement notice is upheld.

John Whalley

INSPECTOR