



Appeal Decision

Site visit made on 9 January 2026

by V Bond LLB (Hons) Solicitor (Non-Practising)

an Inspector appointed by the Secretary of State

Decision date: 2 FEBRUARY 2026

Appeal Ref: APP/D0121/X/24/3356675

30 Stonebridge, Clevedon, North Somerset, BS21 5BZ

- 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 Anthony Bowyer against the decision of North Somerset Council.
 - The application ref 24/P/1816/LDP, dated 3 September 2024, was refused by notice dated 29 October 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 proposed erection of a temporary garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have taken the description of development in my banner heading above from the decision notice since a description was not given in the application form.

Main Issue

3. The main issue is whether the Council's decision to refuse to grant a certificate of lawful use or development ('LDC') was well-founded. This will turn upon whether the development described in my banner heading above would have been lawful as at the date of the LDC application. Planning merits are not relevant to the assessment and the onus is on the appellant to make their case on the balance of probability.

Reasons

Legislation

4. Section 191(2) of the 1990 Act¹ states that development is lawful at any time if (a) no enforcement action may then be taken in respect of it (whether because it did not involve development or require planning permission, because the time for enforcement action has expired, or for any other reason); and (b) it does not constitute a contravention of any of the requirements of any enforcement notice then in force.

¹ Town and Country Planning Act 1990

5. The Council contends that the proposal is not lawful since (a) it would represent operational development requiring planning permission and (b) that it would not represent permitted development (PD) under Class E of the GPDO².

Whether or not operational development

6. Operational development requiring planning permission is defined in s55 of the 1990 Act as including the carrying out of building operations. While I note that the garage would be 'premade' and that no 'building of bricks and mortar' is intended, if the garage proposed represents a building, this points towards the occurrence of building operations.
7. Section 336(1) of the 1990 Act states that a 'building' includes 'any structure or erection', and the Courts have held that regard must be had to size, permanence and degree of physical attachment, but no single factor is decisive.
8. As to size, details submitted by the appellant indicate that the garage would measure some 4.35m in length, 2.59m in width and 1.98m in height. While it would not be so large as to mean that it would need to be constructed on site from component parts, smaller objects have been assessed as representing a building.
9. In terms of permanence, the garage is described as being 'temporary' and the appellant comments that it would be comprised of pre-fabricated concrete panels, would not be 'permanently fixed' and could be 'easily removed'. However, there is no detailed information given as to how long it would be intended to remain in situ and typically a garage used to house a vehicle would be in situ for a period of years, rather than months or weeks.
10. I have only limited information as to the intended physical attachment to the ground per the above paragraph but it seems very likely that the garage would be held in place by its own weight which would be fairly significant given the intended use of concrete. It would have a sufficient degree of affixation to point towards it representing a building.
11. Drawing these matters together, I find on the available evidence and as a matter of fact and degree that the proposed garage would represent a building and as such would be operational development.

Whether or not PD under Class E

12. Class E permits the provision within the curtilage of the dwellinghouse of any building required for a purpose incidental to the enjoyment of the dwellinghouse subject to the conditions and limitations specified.
13. Paragraph E.1(c) of Class E contains a limitation where any part of the building would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse. The garage is proposed on land comprising an allocated parking space for the appeal property and falling within the same Land Registry title as the dwelling. It would sit forward of the appeal property's front elevation which faces the main road serving the dwelling and contains the front door to the property.

² Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015

14. The proposed garage would therefore sit forward of the principal elevation of the dwellinghouse and so breaches the E.1(c) limitation. It cannot therefore represent PD under Class E irrespective of whether or not the land in question falls within the curtilage of the appeal property.
15. For the reasons stated, the proposed development would not have been lawful as at the date of the LDC application

Conclusion

16. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for proposed erection of a temporary garage is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

V Bond

INSPECTOR