



Appeal Decision

by John Braithwaite BSc(Arch) BA(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2026

Appeal Ref: APP/D3640/X/25/3359073

Langshot Equestrian Centre, Gracious Pond Road, Chobham, Woking GU24 8HJ

- 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 Lee Chivers against the decision of Surrey Heath Borough Council.
 - The application ref 24/0409/CEU, dated 24 April 2024, was refused by notice dated 17 October 2024.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which an LDC is sought is use of former clubhouse as a dwellinghouse.
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Decision

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

Preliminary Matters

2. Determination of the appeal requires an assessment of documentary evidence. In these circumstances visiting the site is unnecessary. The appeal has been determined without undertaking a site visit.
3. The Council does "...consider that supplying additional information to the Inspectorate is not the correct procedure". An appeal is determined on the basis of 'all the evidence now available' and the Appellant is entitled to bring forward additional evidence in support of his appeal. There is no statutory requirement to consult third parties in LDC applications and appeals.
4. For the claimed existing use to be lawful the Appellant must submit sufficient precise and unambiguous evidence to demonstrate, on the balance of probability, that the use of the former clubhouse as a dwellinghouse subsisted continuously for the four year period prior to the date of the application; 24 April 2020 to 24 April 2024.

Reasons

5. The Appellant, from his Statutory Declaration dated 27 November 2024 that was submitted with his appeal, leases Langshot Equestrian Centre from Mr L Chivers and Ms L Stevenson. Until 17 April 2022 Mr Chivers and Ms Stevenson and their daughter lived in the former clubhouse. The Council accepts that the building was a dwellinghouse up until that date; it had two bedrooms, a large dressing room, a large open plan kitchen/dining/living space, a shower room and a toilet. Between 17 April 2022 and 24 April 2024 he claims, in his Declaration, that the building remained in use as a dwelling, occupied by employees of his company up until and beyond the end of the four year period. The Council maintains, on the basis of the evidence submitted, that the former clubhouse was not occupied as a dwellinghouse after 17 April 2022.

6. Mr P Smith and Mr M Cottington, both marquee builders, have lived in the former clubhouse since 17 April 2022; they have both made Statutory Declarations, dated 15 April 2024, which declare this to be true. The Appellant had the dressing room converted to a bedroom to increase occupancy and during the latter part of the four year period the former clubhouse was occupied, for differing periods, by Mr P Adam, Mr A Howard, Mr J White and Mr D Casadei. Mr Howard, on the Appellants evidence, commenced occupation in May 2023 and is still a resident. The building had all necessary domestic facilities for it to be used as a dwellinghouse and there is no reason to doubt that these facilities have been maintained since the significant change in occupation in April 2022.

7. There is no documentary evidence of occupation of the former clubhouse; no utility bills, no Council Tax bills, no bank statements showing payments and no tenancy agreements. This is not surprising given the nature of occupation by employees of the Appellant's company and that bills are probably paid for the whole building complex. In addition to the Statutory Declarations by the Appellant, Mr Smith and Mr Cottington, other employees of the company, Mr J Arnold, Ms L Fisher and Mr T Neill, have made Statutory Declarations in which they declare that they "...have seen the said building...has been continually lived in/occupied to this current day". The Statutory Declarations are compelling and, in themselves, justify a conclusion that the former clubhouse was occupied as a dwellinghouse after 17 April 2022.

8. Mr Smith and Mr Cottington, and others, have occupied the former clubhouse on the basis of residents living together as a single household, which is a Class C3 'Dwellinghouse' use. Taken together with the previous accepted occupation by Mr Chivers and Ms Stevenson and their daughter, the Appellant has provided sufficient precise and unambiguous evidence to demonstrate, on the balance of probability, that the use of the former clubhouse as a dwellinghouse subsisted continuously for the four year period prior to the date of the application.

9. For the reasons given above, and on all the evidence now available, the Council's refusal to grant an LDC for use of former clubhouse as a dwellinghouse at Langshot Equestrian Centre, Gracious Pond Road, Chobham, Woking was not well-founded and the appeal succeeds. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

Inspector



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(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 24 April 2024 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged and cross-hatched in black on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The use subsisted throughout the four year period prior to the date of the application.

Signed

John Braithwaite

Inspector

Date: 17 February 2026

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First Schedule

Use of former clubhouse as a dwellinghouse

Second Schedule

Langshot Equestrian Centre, Gracious Pond Road, Chobham, Woking GU24 8HJ

IMPORTANT NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the operations described in the First Schedule taking place on the land specified in the Second Schedule were lawful, on the certified date and, thus, 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 operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operations 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.

Plan

This is the plan referred to in the Lawful Development Certificate dated: 17 February 2026

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Land at Langshot Equestrian Centre, Gracious Pond Road, Chobham, Woking GU24 8HJ

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Scale: Not to Scale

