



Appeal Decision

by Zoë Franks, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 26 FEBRUARY 2026

Appeal Ref: APP/X1355/X/24/3354834

The Four Winds, Station Town, Wingate, TS28 5FA

- 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 Jim Manchester against the decision of Durham County Council.
 - The application ref DM/24/01419/CEU, dated 30 May 2024, was refused by notice dated 12 August 2024.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which a certificate of lawful use or development is sought is as a residential bungalow.
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Decision

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

Main Issue

2. The main issue is whether the Council's decision to refuse to grant the LDC was well-founded. The burden of proof is on the appellant on the balance of probability. He must show that there has been a continuous and substantially uninterrupted residential use of the bungalow for a period of 10 years prior to the date of the LDC application (30 May 2024).

Reasons

3. The appellant states, in the application form and the Final Comments, that he has lived in the property since the beginning of 2008. The photographs provided from Google Street View appear to show the roof of the bungalow seen above the hedgerow boundary since at least 2009. The appellant has also provided an email from Customer Services at Durham County Council which states that his wife has paid Council Tax on the bungalow since that time, and copies of these Council Tax bills going back to March 2008. The copies of the bills were not submitted until the appeal stage, but the appeal is treated as a hearing de novo, and additional evidence can be accepted.
4. Planning Practice Guidance advises that: "In case of applications for existing use, if a local planning authority has no evidence itself, nor from any other, to contradict or otherwise make the applicant's version of events less than probable, there is not good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability."
5. The appellant has been clear and precise about the site, use and duration of that use. Whilst the Council Tax records alone are not evidence of occupation, they do corroborate the appellant's version of events, and the Council has not produced

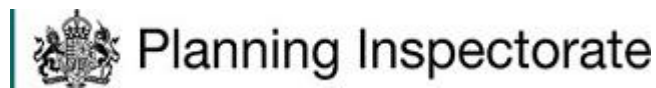
any evidence of its own to contradict or make them less than probable. The appeal therefore succeeds.

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 for residential use of the bungalow is not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me in section 195(2) of the 1990 Act (as amended).

Zoë Frank's

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 30 May 2024 the use 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, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

It was shown on the balance of probability that the residential use of the bungalow had taken place for a period of 10 years prior to the date of the LDC application.

Signed

Zoë Franks

Inspector

Date: 26 FEBRUARY 2026

Reference: APP/X1355/X/24/3354834

First Schedule

Residential use of bungalow

Second Schedule

Land at The Four Winds, Station Town, TS28 5FA

IMPORTANT NOTES – SEE OVER

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 use described in the First Schedule taking place on the land specified in the Second Schedule was /were lawful, on the certified date and, thus, was 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.

Plan

This is the plan referred to in the Lawful Development Certificate dated: **26 FEBRUARY 2026**

by Zoë Franks, Solicitor

Land at: The Four Winds, Station Town, TS28 5FA

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Scale: Not to Scale

