



Appeal Decision

Site visit made on 26 February 2026

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th March 2026

Appeal Ref: APP/C3810/X/25/3362369

1 Coniston Way, Littlehampton, West Sussex BN17 6SR

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Andrew Honey of S R W Services Ltd against the decision of Arun District Council.
 - The application ref LU/223/24/CLP, dated 5 September 2024, was refused by notice dated 16 October 2024.
 - The application was made under section 192(1)(b) of the Act.
 - The development for which a certificate of lawful use or development is sought is hanging tiles on the face of the property are starting to become loose. So will be best to replace hanging tiles with cement board cladding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An LDC is not an application for planning permission. Its purpose is to enable the appellant and others to ascertain whether specific operations or activities would be lawful. The burden of proof is upon the appellant. The test of the evidence is one of balance of probability. The appeal concerns only the lawfulness of the matter for which the LDC is sought, not its planning merits. The decision is based on the facts of the case and on relevant planning law and judicial authority.
3. An application under S192(1)(b) of the Act seeks to establish whether any operations proposed to be carried out in, on, over or under land are lawful. Hence, the question is whether the proposed operations would be lawful if it begun on the date of the LDC.
4. S192(2) of the Act sets out that if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case, they shall refuse the application.
5. Notwithstanding the description of development set out above, which has been taken from the application form, I have determined the appeal based on the appellant's description found on their appeal form. This reads "to replace hanging tiles with cement board cladding to the front of the dwelling".

Main Issue

6. The main issue is whether the Council's decision to refuse the application was well founded. This turns on whether the appellant can show, on the balance of probability, that the cement board cladding would fall within the relevant condition

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

Reasons

7. Class A of the GPDO permits the enlargement, improvement or other alteration of a dwellinghouse. Part A.1 states what development is not permitted by Class A. The proposed operation is not one of those listed developments. Part A.2 relates to dwellinghouses that are on Article 2(3) land, which does not apply in this case.
8. Part A.3 of Class A explains that development is permitted subject to the stated conditions. Condition (a) is the reason for the party's dispute. It states that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.
9. The aim of condition (a) is to ensure that any works to enlarge, alter or improve a house result in an appearance that minimises visual impact and is sympathetic to existing development. Thus, the materials used should be of similar visual appearance to those of the existing house, but they do not necessarily need to be the same materials.
10. The condition and my assessment solely relate to the appearance of the dwellinghouse subject of this appeal. There is no scope within the condition to consider materials used in adjoining properties, nor are the planning merits relevant to an LDC determination.
11. The exterior of the dwellinghouse comprises a reddish-brown brick and red-brown hanging tiles. The proposed cladding may well offer better insulation and lower maintenance compared to the existing tile system, but the slate grey cement board cladding would not be of a similar appearance, at least, because of its colour, to the construction of the exterior of the existing dwellinghouse.
12. Consequently, I conclude that the proposed exterior material would not be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse. As such, condition A.3(a) of Class A of Schedule 2, Part 1 of the GPDO would not be complied with, and the development is not lawful.

Conclusion

13. For the reasons given above, I conclude that the Council's refusal to grant an LDC to replace hanging tiles with cement board cladding to the front of the dwelling is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the Act.

Andrew McGlone

INSPECTOR