

Appeal Decision

Site visit made on 19 March 2026

by John Whalley

an Inspector appointed by the Secretary of State

Decision date: 30 March 2026

APPEAL A

APP/L3245/X/25/3369479

Knolls Croft, Montford Bridge, Shrewsbury SY4 1HN

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended, (the Act), by the Planning and Compensation Act 1991 against a refusal by Shropshire Council to grant a certificate of lawful use or development.
- The appeal was made by Mr C Foxall.
- The application, reference 25/01827/CPL, made on 16 May 2025 under s.192(1)(b) of the Act. It was refused by a notice dated 4 July 2025.
- The Application for a Certificate of Lawful Development was for: Proposed rear extensions to the dwelling at Knolls Croft, Montford Bridge, Shrewsbury SY4 1HN.

Summary of decision: The appeal is dismissed.

APPEAL B

APP/L3245/X/25/3369482

Knolls Croft, Montford Bridge, Shrewsbury SY4 1HN

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended, (the Act), by the Planning and Compensation Act 1991 against a refusal by Shropshire Council to grant a certificate of lawful use or development.
- The appeal was made by Mr C Foxall.
- The application, reference 25/01826/CPL, made on 16 May 2025 under s.192(1)(b) of the Act. It was refused by a notice dated 4 July 2025.
- The Application for a Certificate of Lawful Development was for: Proposed side extensions to the dwelling at Knolls Croft, Montford Bridge, Shrewsbury SY4 1HN.

Summary of decision: The appeal is allowed and a certificate of lawful use is issued in the terms set out below in the Formal Decision.

Appeal property and applications

1. The appeal property, Knolls Croft, is a small 2 storey detached house within its garden plot opposite the southern end of Goutins Lane, Broomfields. As set out above, the appeals concern 2 projects by the Appellant, Mr C Foxall, to extend the house. In 2 separate applications made to the Council, Mr Foxall proposes to add a 2 storey rear extension to the house, (Appeal A, our ref: APP/L3245/X/25/3369479), and to add 2 storey side extensions, (Appeal B, our ref: APP/L3245/X/25/3369482).
2. Mr Foxall submitted that each project to enlarge the house at Knolls Croft would be development permitted by The Town and Country Planning (General Permitted Development) (England) Order 2015, (the Order).

3. Rather than deal with the applications and appeals and issue separate decision notices, I deal with each application in turn and come to separate decisions within this letter.

Appeal A – 2 storey rear extension - ref: APP/L3245/X/25/3369479

4. Mr Foxall proposes to add a 2 storey extension on to what he considers to be the rear of his house, the south facing elevation of the house, Knolls Croft. In his view, that is the rear of the house. He said the proposed extension would be development permitted by Article 3 of the Order at Schedule 2, Part 1 Development within the curtilage of a dwellinghouse, Class A – enlargement, improvement or other alteration of a dwellinghouse.
5. The Council took a contrary view on what was considered to be the principal elevation of Mr Foxall's house at Knolls Croft. The Council accepted there was no other issue on the acceptability of the proposed extension works in terms of conditions and limitations of Class A at A.1 to A.3. The lawfulness of the south facing elevation extension works therefore depends upon an assessment of whether or not that elevation is considered not to be the principal elevation of the house.
6. The Ministry of Housing, Communities and Local Government document Permitted development rights for householders - Technical Guidance at page 7 says - *"Principal elevation" – in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house. There will only be one principal elevation on a house.*
7. From my inspection of the appeal dwelling, its orientation and position in its extensive private garden, I consider the Council were clearly right to conclude that the southern façade of the dwelling at Knolls Croft is its principal elevation. The conservatory, main living rooms, the windows and the entrance in the south facing elevation and its part gable, in my view, support that assessment – as shown by the photo on page 6 of the Appellant's Photographic Document. Although facing towards the public road, the rear elevation accessed at ground level through the wide kitchen/dining room is less imposing. Together with that somewhat inelegantly built part of the house and the flat roofed dormer, they produce a less formal appearance to this façade, appearing subordinate in comparison with the south facing elevation of the house.
8. I agree with the Council that the 2 storey extension to the south facing elevation of the house at Knolls Croft would not accord with Schedule 2, Part 1, Class A, A.1; (e), as it would extend beyond a wall which forms the principal elevation of the dwellinghouse. The extension would not be development permitted by the Order.

Conclusion - Appeal A – 2 storey rear extension - ref: APP/L3245/X/25/3369479

9. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful development on the application made for a Certificate of Lawful Development for Proposed rear extensions to the dwelling at Knolls Croft, Montford Bridge, Shrewsbury SY4 1HN was well founded and that the appeal should not succeed. I exercise the powers transferred to me by s.195(3) of the Act accordingly.

John Whalley

INSPECTOR

Appeal B – side extension - ref: APP/L3245/X/25/3369482

10. The Council said the proposed side extension did not accord with Schedule 2, Part 1, Class A at A.1 (j)(iii) of the Order because the combined single storey side extensions cumulatively would exceed half the width of the original dwellinghouse.
11. Side extensions application drawing N. 2507-LDC-101 Side dated 22.04.25 shows the original south facing elevation wall to be 8.815m wide. The proposed single storey extensions on each side would be 4.400m wide. The drawing notes those dimensions to be 'approximate'. As the dimensions appear precise to a millimetre, I will take the word 'approximate' in this context to be otiose.
12. The Council have effectively dealt with this application for the 2 side extensions to the dwelling at Knolls Croft as one extension, adding the width of both extensions. The 2 side extensions, adding a total extra width to the dwelling of 8.8m, would be well above half its original width. But that was not the correct approach. The wording of Order limitation A.1(j) where the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would — (iii) have a width greater than half the width of the original dwellinghouse is singular; each side extension, (enlarged part), is to be assessed against the appropriate provisions of the Order individually. Had separate applications for each side extension had been made, both should have been allowed by the Order, each meeting all the restrictive provisions of the Order, including A.1(j)(iii). The resulting decisions would have been the same.

Conclusion - Appeal B – side extension - ref: APP/L3245/X/25/3369482

13. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful development on the application made for a Certificate of Lawful Development for: Proposed side extensions to the dwelling at Knolls Croft, Montford Bridge, Shrewsbury SY4 1HN was not well founded and that the appeal should succeed. I exercise the powers transferred to me by s.195(2)(a) of the Act accordingly and I issue a Certificate of Lawful Development for the development as applied for. It is attached to this decision, as is a plan submitted with the application.

John Whalley

INSPECTOR



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192 (as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995: ARTICLE 24

IT IS HEREBY CERTIFIED that on 28 August 2024 the development described in the First Schedule hereto in respect of the premises specified in the Second Schedule hereto, was lawful within the meaning of section 192(1)(b) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The construction of 2 side extensions to the dwelling at Knolls Croft, Montford Bridge, Shrewsbury SY4 1HN would be permitted by The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

John Whalley

INSPECTOR

Date: 27 March 2026

Reference: APP/L3245/X/25/3369482

First Schedule

The construction of 2 side extensions to the dwelling

Second Schedule

Knolls Croft, Montford Bridge, Shrewsbury SY4 1HN

IMPORTANT NOTES OVERLEAF
NOTES

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the development described in the First Schedule and specified in the Second Schedule would have been lawful on the certified date and thus would not have been liable to enforcement action, under section 172 of the 1990 Act, on that date.
3. This certificate applies only to the development described in the First Schedule and specified in the Second Schedule and identified on the attached plan. Any development materially different from that described, or which relates to any other land, may result in a breach of planning control that is liable to enforcement action by the Local Planning Authority.
4. The effect of the Certificate is subject to the provision in Section 192(4) of the 1990 Act, as amended, which states that the lawfulness of any use, operations or other matter for which a certificate is in force under this section shall be conclusively presumed.

