



Appeal Decision

Hearing held on 10 March 2026

Site visit made on 10 March 2026

by R Merrett BSc(Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2026

Appeal Ref: APP/J0405/X/25/3376423

Wing Caravan Site, Land off Wing Road, Wing, Buckinghamshire LU7 0LB

- 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 Gerard O'Connor against the decision of Buckinghamshire Council.
 - The application ref 25/01377/CPL, dated 6 May 2025, was refused by notice dated 27 August 2025.
 - The application was made under section 192(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 "Proposed use as a caravan site for eight residential plots, vehicle plot, work area, an amenity block and additional landscaping subject to conditions 2, 5, 8, 10, 15 and 16 of planning permission reference 07/01648/ACC."
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Formal Decision

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

Application for costs

2. At the Hearing an application for costs was made by Mr Gerard O'Connor against Buckinghamshire Council. This application is the subject of a separate decision.

Preliminary Matter

3. It was agreed at the Hearing that the site address given in the banner to this decision is correct.

Background

4. In 2007, planning permission ("the 2007 permission") was granted for the "Re-modelling and improvement of existing caravan site to provide eight residential plots, vehicle plot, work area, an amenity block and additional landscaping at Wing Caravan site."¹ The 2007 permission followed an earlier planning permission granted in 1978 for the "establishment of gypsy site with 7 pitches and provision for the sorting of scrap metals and other materials."
5. The 2007 application was made by the County Council who owned the appeal site at that time, and determined by the County Council under Regulation 3 of the Town and Country Planning General Regulations 1992 (the Regulations). Because of Regulation 9 of the Regulations, the 2007 planning permission enures only for the benefit of the applicant interested planning authority. Whilst Regulation 9 was repealed by the Town and Country Planning General (Amendment)(England)

¹ Council ref: 07/01648/ACC.

Regulations 2018, it continues to apply to planning permissions granted before 23 February 2018. The consequence is that the 2007 permission can only enure for the benefit of Buckinghamshire Council.

6. There is no dispute that the 2007 permission remains extant. Furthermore, as a result of a successful redetermined appeal² the appellant has been granted an LDC in the following terms, in relation to the same appeal site:

“Use as a caravan site for eight residential plots, vehicle plot, work area, an amenity block and additional landscaping subject to conditions 2, 5, 8, 10, 15 and 16 of planning permission reference 07/01648/ACC which enures only for the benefit of Aylesbury Vale District Council.”³

Reasons

7. In order for an LDC to be granted under s192, it is necessary for the appellant to show, on the balance of probability, that the proposed development would be lawful at the date of the application. Given the above context, the appeal decision essentially turns on a single issue. This is whether carrying out the development as proposed would result in a material change of use, or breach of condition, that could potentially be enforced against.
8. It is worth stating that it is the permission, not the use of the land, that in this case enures for the benefit of the Council. The existing use of the land as a caravan site, in the manner described above, already benefits from an LDC. Under s191(6) of the Act, the lawfulness of any existing use, operations or other matter for which a certificate is in force under this section shall be conclusively presumed [*my emphasis*]. Given this finality, there is no need for me to further examine the complex planning history of the appeal site leading up to the LDC being granted.
9. What is proposed in this case is the use of the appeal site for precisely the same purpose as described above, with the exception of the wording “...which enures only for the benefit of Aylesbury Vale District Council.” I am in no doubt that the elimination of this wording would not result in a description of development that is materially different from that which already benefits from an LDC. In this context, the wording proposed to be omitted becomes unnecessary. The proposed use would not therefore result in a material change of use of land from the use certified.
10. I therefore turn to the question of whether the use, in the terms proposed, would result in a breach of condition. There was discussion during the Hearing as to whether the provision that the permission enures only for the benefit of the Council would be tantamount to a personal permission, in the same way that the occupation of a site might be restricted to a specific named individual or a person engaged in a specific activity such as agriculture.
11. However, in this case there was no condition imposed in relation to planning permission 07/01648/ACC, exercising control over who may carry out the approved use. That the permission is said to enure for the Council cannot, in itself, be taken as a mechanism for controlling the use of the land. Once a

² Appeal reference APP/J0405/X/21/3287648.

³ That LDC application was submitted to Aylesbury Vale District Council as the local planning authority at that time. Subsequently, the four District Councils in Buckinghamshire together with Buckinghamshire County Council merged to become one unitary authority representing the entire county, known as Buckinghamshire Council.

material change of use has been made, the planning permission authorising this, and thus any enuring limitation, would be spent. As set out above, an existing use has been found lawful, without restriction on the identity or nature of the user. I have considered whether such a condition could be said to be implied. However, I have rejected this because although the planning permission description indicates that only the Council may implement the permission, that does not mean the use authorised should subsequently be restricted to the Council. I conclude that the proposed use would not result in a breach of condition.

12. The Council refers to paragraph 5 of the previous appeal decision, within which the Inspector stated that the 2007 planning permission can only enure for the benefit of the Council. It argues that this statement prevents it from granting an LDC in the terms proposed. However, the correct approach would have been for the Council to consider whether the proposed use could have resulted in enforcement action being taken. As set out above, it could not.

Conclusion

13. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for "Proposed use as a caravan site for eight residential plots, vehicle plot, work area, an amenity block and additional landscaping subject to conditions 2, 5, 8, 10, 15 and 16 of planning permission reference 07/01648/ACC" 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).

R Merrett

INSPECTOR

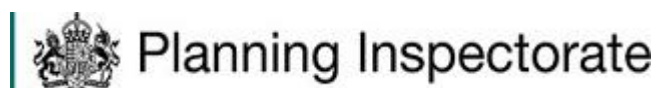
APPEARANCES

FOR THE APPELLANT:

Gerard O' Connor	Appellant
Michael Rudd	Barrister
Matthew Green	Planning Agent

FOR THE LOCAL PLANNING AUTHORITY:

Laura Lee Briggs	Solicitor
Emma Mumby	Senior Planning Officer



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 (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39

IT IS HEREBY CERTIFIED that on 6 May 2025 the use described 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, would have been lawful within the meaning of section 192(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposed use would be lawful on the basis that it would not constitute a material change of use of land, or a breach of a planning condition. Accordingly, no enforcement action could be taken against it.

Signed

R Merrett

Inspector

Date: 31 March 2026

Reference: APP/J0405/X/25/3376423

First Schedule

Proposed use as a caravan site for eight residential plots, vehicle plot, work area, an amenity block and additional landscaping subject to conditions 2, 5, 8, 10, 15 and 16 of planning permission reference 07/01648/ACC.

Second Schedule

Wing Caravan Site, Land Off Wing Road, Wing, Buckinghamshire, LU7 0LB.

IMPORTANT NOTES – SEE OVER

NOTES

This certificate is issued solely for the purpose of Section 192 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 would have been 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 described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use 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.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.

Plan

This is the plan referred to in the Lawful Development Certificate dated: 31 March 2026

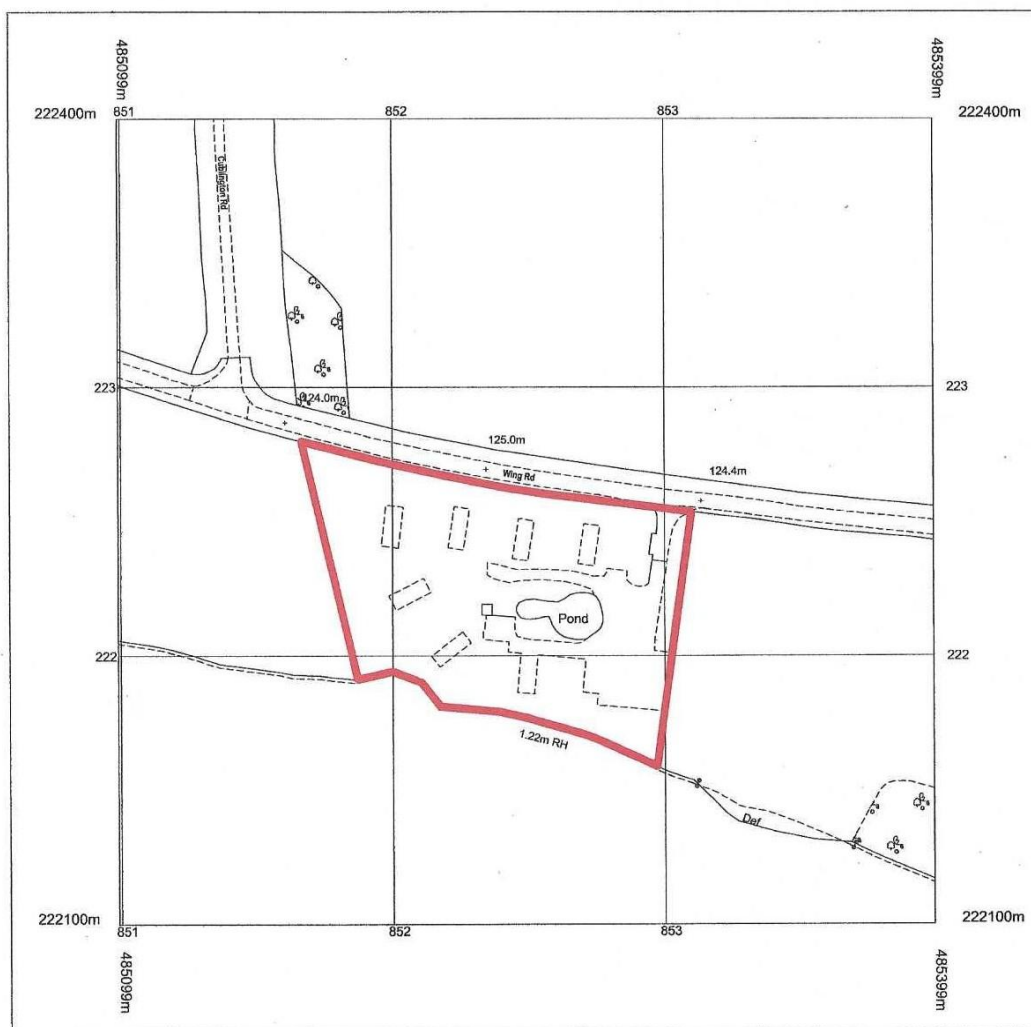
by R Merrett BSc(Hons), DipTP, MRTPI

Land at: Wing Caravan Site, Land Off Wing Road, Wing, Buckinghamshire, LU7 0LB

Reference: APP/J0405/X/25/3376423

Scale: Not to Scale

Stanfords VectorMap



20 0 20 40 60 80 100
Metres

