



Appeal Decision

No Site visit

by Simon Hand MA

an Inspector appointed by the Secretary of State

Decision date: 7th April 2026

Appeal Ref: APP/C3620/X/26/3377586

Logmore Green Farm, Logmore Lane, WESTCOTT, RH4 3JN

- 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 APOLINARIO AFONSO against the decision of Mole Valley District Council.
 - The application ref MO/2025/02346, dated 28 August 2025, was refused by notice dated 15 January 2026.
 - 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 mobile home having been continuously used and maintained as a separate unit of accommodation for more than 10 years
-

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.

Preliminary Matters

2. An inquiry was scheduled for 2 June 2026, but in the intervening period, further evidence was provided by the appellant that convinced the Council the certificate should be issued. However, as an appeal had been made they could no longer issue a certificate and it was agreed that I should do so. However, I still need to satisfy myself the evidence is sufficient to warrant success on appeal.

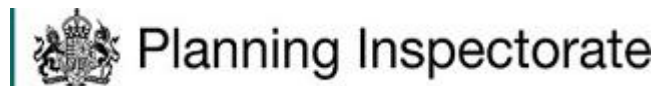
Reasons

3. The certificate is for a mobile home that is situated on the appellant's property at Logmore Green Farm. There is no dispute that the structure is a caravan for planning purposes which represents a use of the land, for which 10 years continuous use needs to be demonstrated. A detailed statement was provided by the appellant in the form of a sworn declaration, along with other letters and documents suggesting the mobile home had been occupied by a Mr Chapman since around 2005.
4. However, while this showed the mobile home had been in place for more than 10 years and had been occupied by Mr Chapman for at least some of those years, there was no continuous record of occupation. Mr Chapman may, for example have moved out for a while and later returned, perhaps after getting a different job, being admitted to hospital, or for any number of reasons. While an unlawful use is in the process of being established, any break in the history of occupation that is more than de minimis sets the clock back to zero. Hence the importance of establishing continuous use.

5. Since the appeal was made the appellant provided details of rent payments from Mr Chapman to the appellant's bank account. These details covered the 10 year period and convinced the Council that no more evidence was required. I have had a look at these documents and have no reason to differ from the Council's opinion. I shall therefore issue the certificate as requested.
6. I note the Parish Council are concerned that the certificate does not authorise an eventual permanent dwelling and I can set their minds at rest that the certificate is only for the use of the land for the stationing of a caravan for residential purposes.

Simon Hand

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 28 August 2025 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged and 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 has been continuous for more than 10 years prior to the application for the certificate.

Signed

Simon Hand

Inspector

Date: 7th April 2026

Reference: APP/C3620/X/26/3377586

First Schedule

Mobile home having been continuously used and maintained as a separate unit of accommodation for more than 10 years

Second Schedule

Land at Logmore Green Farm, Logmore Lane, WESTCOTT, RH4 3JN

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 /operations 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 /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 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: 7th April 2026

by **Simon Hand**

Land at: Logmore Green Farm, Logmore Lane. WESTCOTT, RH4 3JN

Reference: APP/C3620/X/26/3377586

Scale: Not to Scale

