



Appeal Decision

Site visit made on 28 April 2026

by **Peter Willows BA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 May 2026

Appeal Ref: APP/W2465/X/24/3349770

127 Grasmere Street, Leicester LE2 7FU

- 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 A Singh against the decision of Leicester City Council.
 - The application ref 20240717, dated 15 April 2024, was refused by notice dated 24 June 2024.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The development for which a certificate of lawful use or development is sought is construction of single storey detached outbuilding at rear of house (Class C3).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was for a proposed development under s192 of the Act and the Council's decision notice also refers to it as a proposed development. However, in the appeal form the appellant refers to it as an application under s191, which is concerned with existing development rather than proposed development. Additionally, the Council's officer report refers to the building in the present tense. When I visited the site, it was clear that there had been a building on the site, but it was largely demolished.
3. From the above it is not entirely clear what was in place when the application was made. Even if a building was present, it is not clear that it was the building proposed in the application. Thus, notwithstanding the reference to s191 on the appeal form, I have determined the appeal on the basis that it relates to a proposed development under s192 of the Act, as per the application.

Main Issue

4. The main issue is whether the Council's decision to refuse to issue a certificate was well-founded.

Reasons

5. There is no doubt that the construction of the proposed building would amount to development, as per section 55 of the Act. The appellant's claim is that the building is permitted under Class E of Part 1 of Schedule 2 to *The Town and Country Planning (General Permitted Development) (England) Order 2015* (as amended), which permits, within the curtilage of a dwellinghouse, 'any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of

such a building or enclosure'. The first question, therefore, is whether the proposed building would lie within the curtilage of a dwellinghouse – specifically, the curtilage of No 127.

6. The appeal site is an 'L'-shaped parcel of land. One limb of the 'L' is made up of No 127 Grasmere Street, a terraced house with an outdoor area to the rear. The other limb continues roughly at right angles along the rear of neighbouring terraced houses, ending with a frontage onto Windermere Street. The proposed building would be located in this second limb of the 'L'.
7. The Government's *Permitted development for householders - Technical Guidance* assists in the interpretation of the GPDO. It defines 'curtilage' as:

Land which forms part and parcel with the house. Usually it is the area of land within which the house sits, or to which it is attached, such as the garden, but for some houses, especially in the case of properties with large grounds, it may be a smaller area.
8. Taking that definition as a starting point, I consider that the land within which No 127 sits is the land immediately to the rear; in other words, the land, other than that occupied by the house itself, falling within the first limb of the 'L'. This area of land forms part and parcel with the house.
9. Although within common ownership and contiguous with that land, the second limb of the 'L' is a distinct area of land. It is not the land within which the house sits. It does not lie behind the house but instead runs to the rear of neighbouring houses. It is also separated from No 127 by a garden wall and has its own frontage to Windermere Street, round the corner from No 127 Grasmere Street. Thus, in my judgement, it is not part of the curtilage of No 127, or of any other dwelling. Rather, it appears as a separate plot of land, unrelated to the neighbouring houses. It follows from this that it cannot benefit from the provisions of Class E.
10. The Council also says that the purpose of the proposed building is not clear and that it would not clearly be incidental to the enjoyment of 127 Grasmere Street as a dwellinghouse. However, there is nothing about the simple building shown on the drawings that is intrinsically unsuited to the domestic uses the appellant describes. But regardless of its use, the building could not benefit from Class E because it would not fall within the curtilage of a dwellinghouse. Neither party has suggested that the building would be lawful for any other reason.

Conclusion

11. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended) and dismiss the appeal.

Peter Willows

INSPECTOR