



Appeal Decision

Site visit made on 6 May 2026

by R Hitchcock BSc DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07th May 2026

Appeal Ref: APP/W2465/X/25/3373950

219 Clarendon Park Road, Leicester Sikh Centre, land adjacent to 92 Adderley Road, LE2 3AN

- 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 development (LDC).
 - The appeal is made by Mr S Singh (Leicester Sikh Centre) against the decision of Leicester City Council.
 - The application ref 20250889, dated 3 June 2025, was refused by notice dated 30 September 2025.
 - The application was made under section 191(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The development for which a certificate of lawful development is sought is for the implementation of planning permission 20120570: demolition of existing building; erection of three storey building to form part of religious centre (Class F1 formerly Class D1) (amended plans).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The burden of proof in satisfying the provision of s191(1)(b) falls to the appellant to establish that the development was lawful. This could be because it was commenced within the terms and conditions of a planning permission (here ref. 20120570), or, that works undertaken prior to 25 April 2024 were substantially complete for a period of four years or more prior to the date of the LDC application such that no enforcement could be taken against them. According to the appellant's appeal form, the application for the LDC was made on 3 June 2025. Accordingly, the relevant 'four-year' date¹ prior to the application was then 3 June 2021.
3. The appropriate standard for testing the evidence is made on the balance of probabilities, that is to say whether something is more likely than not. The Planning Practice Guidance² reflects prior Court judgments. It sets out that an appellant's own evidence does not need to be corroborated by independent evidence in order to be accepted. If the Council has no evidence of its own, or from others, to contradict or otherwise make the appellant's version of events less than probable, there is no good reason to dismiss the appeal, provided the appellant's evidence alone is sufficiently precise and unambiguous.

¹ Pursuant to s171B(1) of the Act providing exemption to operational development substantially completed four years or more prior to the date of the LDC application where the works were begun before 25 April 2024.

² Paragraph: 006 Reference ID: 17c-006-20140306

Main Issue

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

Reasons

5. On 18 October 2012 planning permission for the demolition of a building and erection of a two/three storey detached building to form a religious centre was granted. The permission was subject to 11 conditions. Condition 1 required that the permission shall be begun within three years from the date of the permission; it would otherwise expire on 18 October 2015.
6. The appellant's original application form stated that activity began on 7 January 2013 and that the development has continued with no periods of discontinuance or material interruption since. The appellant contends that as the works commenced over 10 years ago, they are now immune from enforcement action.
7. The appeal is supported only by the statement submitted to the Council at the time of the application. This states that clearance, demolition and preparatory activities took place in 2013. While reference to email correspondence and records of material operations that took place are made, these are not before me in evidence. A file submitted by the appellant entitled 'Photos' contains no imagery.
8. The implementation of a planning permission within its terms and conditions is sufficient to preserve its benefits. Thereafter the permission will remain extant unless subject to a number of exceptions (of which there is no claim here). If works to implement the permission occurred within the time limit and terms of the permission then no 10-year period is relevant in the case circumstances. In the event that the appellant fails to show the approved development was implemented, then the permission has lapsed. In that scenario, only a development **substantially completed** on or before 3 June 2021 could be deemed lawful.
9. Section 56(1) of the Act states that development of land shall be taken to be initiated if the development consists of the carrying out of operations, at the time those operations are begun. Sections 56(2) and (3) provide that development shall be taken to be begun for the purposes of s91 (time limit on planning permissions) on the earliest date on which any material operation comprised in the development begins to be carried out. 'Material operations' are described in s56(4). These are:
 - (a) any work of construction in the course of the erection of a building;
 - (aa) any work of demolition of a building;
 - (b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;
 - (c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);
 - (d) any operation in the course of laying out or constructing a road or part of a road;
 - (e) any change in the use of any land which constitutes material development.
10. There is little substantive evidence to demonstrate that any of the operations described above took place on the declared date of 7 January 2013 as the commencement of works. The Appellant's reference to 'preparatory' activities

taking place is ambiguous at best and, in the absence of more, it is unclear whether they would have amounted to anything described in s56(4) (a-e).

11. Although an act of the demolition of a building squarely falls within s56(4)(aa), the evidence as to when that took place is contested by the Council and others. The Council's evidence includes a sequence of aerial photographs taken prior to the grant of planning permission and then in 2013, 2016 and 2019. Although the images only seemingly show the roofs of two buildings/structures on the site, these appear intact with the exception of the 2019 image. This suggests that the roofs, at least, were not demolished until after the date of the 2016 image. If demolition of other parts of either structure took place prior to the expiry of the permission, this has not been demonstrated in the appellant's evidence.
12. The Council highlight that Conditions 2 and 8, relating to external materials and temporary construction arrangements respectively, required matters to be agreed with them before works to implement the permission commenced. There is little evidence that those conditional requirements were discharged before any works took place. Those circumstances add little weight to the appellant's claim. If the appellant's '10-year' claim was in relation to the breach of those requirements per s171B(3), this remains contingent to the finding on implementation of permission 20120570 to give those conditions effect.
13. In the substantial absence of any other precise and unambiguous evidence to demonstrate that planning permission 20120570 was implemented in accordance with its terms and conditions, I find that the appellant has failed to discharge the burden of evidence to demonstrate that permission was lawfully implemented. Furthermore, as the works detailed in permission 20120570 have not been substantially completed, the time limit for enforcement set out in s171B(1) cannot be relied upon and does not apply.

Conclusion

14. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful development for the implementation of planning permission 20120570: 'demolition of existing building; erection of three storey building to form part of religious centre' 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).

R Hitchcock

INSPECTOR