



Appeal Decision

Site visit made on 14 May 2026

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 May 2026

Appeal Ref: APP/U4230/X/25/3370803

31 Clarendon Crescent, Eccles, Manchester, M30 9AU

- 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 Sajid Aya against the decision of Salford City Council.
 - The application ref PA/2025/0667, dated 7 May 2025, was refused by notice dated 30 June 2025.
 - The application was made under section 192(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The development for which a certificate of lawful use or development is sought is a proposed single storey rear extension and the relocation of the existing conservatory to the side elevation.
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Decision

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

Preliminary Matters

2. An LDC is not a planning permission. Its purpose is to enable owners and others to ascertain whether specific operations or activities would be lawful. Therefore, for the avoidance of doubt, I make clear that the planning merits of the proposed use as a younger persons care home are not relevant in this appeal. My decision rests on the facts of the case and on relevant planning law and judicial authority.
3. On my site visit, I observed that the conservatory had been removed and was in pieces to the side of the property. In its place, a single storey rear extension had been erected. These matters are not relevant to the consideration of this LDC appeal which relates to whether the proposal would have been permitted development if instigated or begun on the date of the LDC application.

Main Issue

4. There is no dispute between the main parties that the proposed single storey rear extension would not fall foul of the limitations and conditions of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). On the facts before me, I do not disagree with this common ground position, and it is noteworthy that an LDC was approved¹ by the Council for this development on 5 August 2025 thereby confirming that had it been built on the date of the application it would have been permitted development and hence lawfully erected.
5. The main issue for consideration is therefore whether the Council's decision to refuse to grant an LDC was well founded with particular regard as to whether on

¹ LDC reference No. PA/2025/0950

the date of the LDC application the proposal to relocate the existing conservatory to the side elevation was permitted development and hence did not require planning permission.

Reasons

6. As part of the LDC application, the appellant included a supporting statement. In that statement it was made clear that the relocation of the existing conservatory to the side of the detached dwellinghouse was for the purpose of being used as a 'greenhouse'. The appellant was not explicit in terms of this relocated structure being detached from the side wall of the house. Nonetheless, the grey box depicting the location of the relocated structure has four sides and the appellant's zoomed in image of the grey box does appear to show a very small gap between it and the side wall of the dwellinghouse. Moreover, I think that it is reasonable to interpret the three-dimensional proposed plans in a manner whereby the relocated structure does include a new/solid white uPVC rear wall. That said, the onus was on the appellant to provide precision in terms of the proposal when the LDC application was made and it is only now, and as part of this appeal, that additional clarity has been provided.
7. The additional clarity also relates to the fact that the brick plinth/floor of the existing conservatory would not be relocated. Hence, the appellant has confirmed as part of this appeal that the eaves height of the relocated structure would in fact be 2.48 metres and not that shown for the 'existing conservatory' as 2.6 metres. I am satisfied that in terms of the proposed eaves height, and in terms of the provision of a rear white uPVC wall for the relocated conservatory (as shown on the submitted plans), it would be possible to add necessary precision in terms of the description of proposed development should I decide to allow the appeal.
8. The primary issue therefore relates to whether the proposed development should be considered under Class A or Class E of Part 1 of Schedule 2 of the GPDO. Class A of Part 1 of Schedule 2 of the GPDO relates to '*the enlargement, improvement or other alteration of a dwellinghouse*'. As the evidence is that the proposed relocated structure (including the rear white uPVC wall) would not be physically attached to the existing side wall of the house, it could not be said that the proposal would amount to an enlargement, improvement or other alteration of No. 31 Clarendon Street as a dwellinghouse. Therefore, Class A is not applicable in this case.
9. I find that Class E of Part 1 of Schedule 2 of the GPDO is relevant in so far that the proposal relates to the erection of a new building which would be incidental to the enjoyment of the dwellinghouse. Indeed, use of the proposed building as a greenhouse would constitute an incidental use. While the relocated structure with a new uPVC white rear wall would be very close to the side wall of the house, it would nonetheless be free standing and hence a separate and self-contained structure. It would be more than two metres from any part of the boundary of the curtilage of the property and, subject to the precision needed relating to ensuring that the eaves height is no more than 2.5 metres above ground level (the appellant states that it would be 2.48 metres) with reference to the description of proposed development in schedule 1 of the attached LDC, I conclude that the proposal would not fall foul of any of the limitations imposed in E.1 to E.4 of Class E.

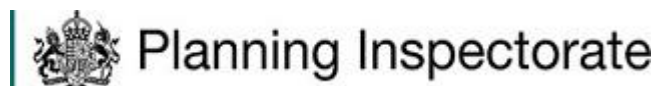
10. For the above reasons, I therefore find that the proposal would have been permitted development if instituted or begun at the time of the LDC application.

Conclusion

11. For the reasons given above, I conclude, on the evidence now available, that the Council's refusal to grant a certificate of lawful use or development for a proposed single storey rear extension and the relocation of the existing conservatory to the side elevation is not well-founded and that the appeal should succeed subject to the inclusion of some additional precision in terms of what specifically is being certified. I will exercise accordingly the powers transferred to me in section 195(2) of the 1990 Act (as amended).

D Hartley

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

IT IS HEREBY CERTIFIED that on 7 May 2025 the use and operations described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and shown on the plans attached to this certificate, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

The proposed rear extension does not fall foul of limitations and conditions of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). The proposed relocated conservatory (without the brick plinth and floor) to be located to the side but not attached to the side elevation of the dwellinghouse and with an eaves height of 2.48 metres, and including a white uPVC rear wall, would not fall foul of the limitations of Class E of Part 1 of Schedule 2 of the GPDO. Both structures if instigated or begun on the date of the LDC application would have been permitted development.

Signed

D Hartley

Inspector

Date: **14 May 2026**

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First Schedule

(i) Proposed single storey rear extension (as shown on the attached plans) and (ii) the relocation of the existing conservatory (as shown in the attached photograph and without the brick plinth and floor) to be used as a greenhouse and located adjacent to but not attached to the side elevation of the dwellinghouse (as shown on the attached plans) and with the provision of a new white uPVC rear wall (as shown on the attached plans) and with an eaves height of 2.48 metres.

Second Schedule

Land at 31 Clarendon Crescent, Eccles, Manchester, M30 9AU

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 /operations 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 /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.

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.

Plans

This is the plan referred to in this decision dated: **14 May 2026**

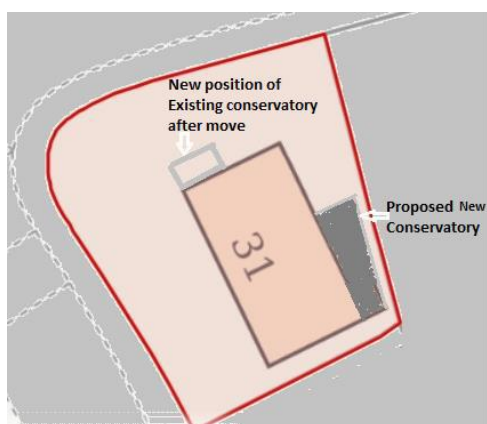
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Land at: 31 Clarendon Crescent, Eccles, Manchester, M30 9AU

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Scale: Not to Scale

Site Plans



Relocated structure to be used as a greenhouse





Rear Extension

