
Appeal Decision

Site Visit made on 17 February 2026

by **J Whitfield BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th May 2026

Appeal Ref: APP/D0840/X/24/3345792

Little Halabezack Barn, Polhigey, Redruth, Cornwall TR16 6PH

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr & Mrs Simon & Karen Trewin against the decision of Cornwall Council.
 - The application ref PA24/01246, dated 15 February 2024, was refused by notice dated 26 April 2024.
 - 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 use or development is sought is the construction of a building used for purposes ancillary to the keeping of horses.
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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 existing operation which is found to be lawful.

Preliminary Matters

2. The application was made under S191(b) of the Act, that being an application for an LDC for an existing operation. The development is described in the application as “the construction of a building used for purposes ancillary to the keeping of horses”.
3. The LPA’s decision notice, however, describes the development as an application for an LDC “for an existing use in respect to the construction of building used for purposes ancillary to the keeping of horses.” The LPA’s reason for refusal centres around the use of the building. That suggests the LPA considered the application on the basis it had been made under S191(a) of the Act. Nonetheless, it is incumbent on to me to determine the appeal on the basis of the application that was made. I will determine it under S191(b) of the Act accordingly.

Main Issue

4. The main issue is whether the LPA’s decision to refuse the LDC application was well-founded.

Reasons

5. S191(2) of the Act establishes that operations are lawful at any time if – (a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

6. In accordance with the relevant time limits set out in S171B of the Act, having regard to the transitional arrangements contained therein, it is necessary for the appellants to demonstrate, on the balance of probabilities, that the construction of a building used for purposes ancillary to the keeping of horses was substantially completed on or before 15 February 2020.
7. The appellants set out in a Statutory Declaration from July 2023 that the building was built from June 2016 to June 2017. The LPA indicates that the LPA's Building Regulations Approval records the building as complete on 20 June 2018. On that basis, the LPA does not dispute that the building was substantially completed in 2017, some time before the relevant date of 15 February 2020.
8. Nevertheless, the LPA argues that it has not been demonstrated, on the balance of probabilities, that the building has been used for purposes ancillary to the keeping of horses. The LPA says that, subsequent to the completion of the building in 2017, it has been subject to further works which include the installation of an oil boiler with central heating, bathroom facilities, a kitchen, the provision of a wooden floor laid in a herringbone pattern, together with alterations to the exterior and an extensive re-wiring of the building with the provision of domestic style sockets. The LPA says those works commenced in May 2022 and have not been completed.
9. However, the LPA accepts the building was substantially completed prior to February 2020. Thus, it follows that the subsequent works identified were new works to a substantially completed building and not part and parcel of the works to achieve substantial completion.
10. The question must then be whether those subsequent works in themselves constitute development. The installation of an oil boiler with central heating, bathroom facilities, a kitchen, the provision of a wooden floor laid in a herringbone pattern and an extensive re-wiring of the building with the provision of domestic style sockets are all works which affect only the interior of the building. Thus, in accordance with S55(2)(a)(i) of the Act, they do not constitute development.
11. The LPA says that external alterations have also been carried out to the building. Little detail of what external alterations the LPA considered have been carried out subsequent to substantial completion of the building has been provided. There is a photograph below which it states that the stable door has been bricked up in the north elevation which has allowed for window openings. However, there is little detail before me of the extent of such works, or whether they have materially affected the external appearance of the building. It seems to me, on the balance of probabilities, that the extent of any works to change the size of the openings is *de-minimis* such that it has meant the building was not substantially completed.
12. Ultimately, the corollary of the LPA submissions is that the building is not ancillary to the keeping of horses as it provides facilities above and beyond what would typically be expected. However, the appellant's evidence is that heating is required to ensure tack and equipment is maintained appropriately and to provide hot water for people using the building for equestrian purposes. Both seem reasonable expectations to me.
13. Moreover, it seems reasonable to me for new electrics to have been installed for equestrian use. Similarly, facilities such as a shower or toilet for those undertaking

equestrian use from the building and surrounding land, whilst not essential features, seem to me can reasonably be required.

14. In terms of the kitchen, the appellants state that it does not include any oven, hob, dishwasher, tumble dryer, microwave or any other features linked to a full functioning kitchen area. Whilst a fridge was present at the time, it seems to me that is reasonably required for the storage of fresh or refrigerated foods. It is not unreasonable for those involved in equestrian activities to spend long periods of time and may need facilities to store cold items. Moreover, the provision of kitchen style cupboards could be used for anything relating to equestrian use. Finally, in terms of the alleged high standard of finish in terms of features, such as the flooring and walls, again the appellants submit that it is not uncommon for tack rooms to be finished to a high standard. It seems to me that there is no reason why such a facility could not be finished to a high standard. It is ultimately an internal space for people to use for equestrian activities. It is not unreasonable for it to be finished to a standard which makes that space comfortable to use.
15. Ultimately, the fact that the building internally may indeed provide facilities of a higher standard than may typically be expected does not change, to my mind, the fact that the building was substantially completed in its form at the date of the LDC application on or before 15 February 2020.
16. The unsaid corollary of the LPA's submissions is that the building provides all the facilities necessary for day-to-day living and thus use as a dwellinghouse. However, the appellants submit that the kitchen facilities are insufficient to provide the facilities required for day-to-day private domestic existence.
17. In any event, even if the building did meet the *Gravesham*¹ tests, and the use of the building were to have materially changed to a dwellinghouse following substantially completion of the building operations, then that would be a subsequent breach of planning control since it would constitute development without planning permission. It would not alter the fact that the building operations comprised in the form of the building as it was on 15 February 2024, were substantially completed on or before 15 February 2020.
18. Consequently, it seems to me that, at the date the LDC application was made, the construction of a building used for purposes ancillary to the keeping of horses would have been lawful within the meaning of S191(2) of the Act because the time for taking enforcement action against it had expired and it did not constitute the contravention of any of the requirements of any enforcement notice then in force.

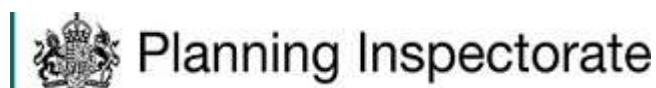
Conclusion

19. For the reasons given above, I conclude, on the evidence now available, that the LPA's refusal to grant a certificate of lawful use or development for the construction of a building used for purposes ancillary to the keeping of horses is not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me in S195(2) of the 1990 Act (as amended).

J Whitfield

INSPECTOR

¹ *Gravesham VC v SSE & O'Brien* [1983] JPL 306



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 15 February 2024 the operations 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, were lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The building was substantially completed four years before the LDC application was made and was therefore lawful as (a) no enforcement action may then have been taken in respect of the building operations and (b) the building operations did not constitute a contravention of any of the requirements of any enforcement notice then in force.

Signed

J Whitfield

Inspector

Date: 29th May 2026

Reference: APP/D0840/X/24/3345792

First Schedule

The construction of a building used for purposes ancillary to the keeping of horses.

Second Schedule

Little Halabezack Barn, Polhigey, Redruth, Cornwall TR16 6PH

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 operations described in the First Schedule taking place on the land specified in the Second Schedule were lawful, on the certified date and, thus, 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 operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use or 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: 29th May 2026

by J Whitfield BA(Hons) DipTP MRTPI

Land at: **Little Halabezack Barn, Polhigey, Redruth, Cornwall TR16 6PH**

Reference: **APP/D0840/X/24/3345792**

Scale: Not to Scale

