



Appeal Decision

Site visit made on 20 May 2026

by Andy Harwood CMS MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2026

Appeal Ref: APP/N1920/X/24/3345239

92 Hartforde Road, Borehamwood, Hertfordshire WD6 5JS

- 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 Mrs Alexandra Teaca against the decision of Hertsmere Borough Council.
 - The application ref 24/0170/CLE, dated 15 March 2024, was refused by notice dated 10 May 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 described as "Existing building works started to an outbuilding at the rear of the property to accommodate a playroom, storage and BBQ facilities as described in the drawing 92WD65JS."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council revised the description of the development on its decision notice to read "Construction of outbuilding in rear garden to facilitate open bicycle port and BBQ, storage and play area. Certificate of Lawful Development (Existing)." I have used the description from the application forms as I am normally obliged to do. The change in wording does not conflict with that and only summarises them.
3. The application form is not dated and I have used the date of the application as used by the Council on the decision notice.

Main Issue

4. The main issue is whether the Council's decision to refuse the LDC was well founded. The onus of proof is upon the appellant and the standard of proof is on the balance of probabilities. Planning merits are not relevant.

Reasons

5. The application forms indicate that the building works are at least partly existing. I saw that along the southwestern boundary, a barbecue area has been constructed from red-brick which is similar to the barbecue and storage area that is shown on the submitted "Floor Plan and Elevations" drawing. That drawing shows how the appellant intends to complete the development. I have contemplated whether this is therefore a proposed development under the provisions of s192(b).
6. There is a clear intention as shown on the plans to incorporate what has been constructed already into the completed development. However, there is no provision within the Town and Country Planning (General Permitted Development)

(England) Order 2015 (GPDO) for permitted development rights to be claimed retrospectively. In other words, if what has been constructed does not fall within the limitations of the GPDO, the development when completed could not be considered as permitted development even if it were adapted, as shown on the plan, to include a gap between the end of the wall and the dwellinghouse.

7. Given that what has been constructed is connected to the existing extension at the rear of the dwellinghouse, it cannot be considered as an outbuilding as set out in Schedule 2, Part 1, Class E of the GPDO, even though a gap is shown on the drawing. It needs to be considered as part of an extension of the dwellinghouse under Class A. The Council points out that rearmost part of the dwellinghouse is already an extension. The current development when considered in this way would extend the dwelling further to the rear, exceeding the 3m limitation allowed from the rear of the original semi-detached dwellinghouse within Class A(f)(i). The development could not therefore be considered as permitted development under those provisions nor under the provisions of Class E.

Conclusion

8. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of existing building works started to an outbuilding at the rear of the property to accommodate a playroom, storage and BBQ facilities as described in the drawing 92WD65JS was 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.

Andy Harwood

INSPECTOR