



Appeal Decision

Site visit made on 2 June 2026

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 June 2026

Appeal Ref: APP/Q3115/X/25/3363753

1 Spencer Close, Goring, Reading, Oxfordshire RG8 0DW

- 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 Michael Steer against the decision of South Oxfordshire District Council.
 - The application ref P25/S0431/LDP, dated 10 February 2025, was refused by notice dated 1 April 2025.
 - 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 a garden outbuilding.
-

Decision

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

Preliminary Matters

2. The description initially given to the proposed outbuilding was lengthy and made reference to its internal and external dimensions, its siting and the nature of the land upon which it would be sited, the nature of its proposed use and the method of its construction. The description of development set out on the Council's decision notice is usefully more concise and refers to the act of development proposed. With further minor amendment, I have adopted that description of development in my decision and the banner heading above, and I have determined the appeal accordingly.
3. Section 192(1)(b) of the Town and Country Planning Act 1990 (as amended) (the Act) provides for the making of an application to ascertain whether any operations proposed to be carried out in, on, over or under land would be lawful. Section 192(2) of the Act goes on to establish that the question in such matters is whether the proposed operation would be lawful if 'instituted or begun' at the time of the application.
4. The application was made in respect of the proposed erection of a garden building within the rear garden of the appeal property. The application is referred to in terms of a proposed building and the application form is clear that it had not been commenced at the time of the application. Nor do I have any reason to doubt that at the time of the Council's determination of the application the proposal had not been commenced.
5. It was clear at the time of my visit to the site however that a garden building had been constructed within the rear garden of the appeal property. Nevertheless, as I am satisfied for the reasons set out above that the garden building was not existing at the date of the application, I have determined the appeal under the provisions of s192(1)(b) of the Act, and not as an 'existing' building under the

provisions of s191(1)(b). The presence of the building in-situ at the time of my visit to the site does not change the basis for my determination of this matter, and I have determined the appeal accordingly.

Main Issue

6. The main issue is whether or not the Council's decision to refuse to grant a certificate of lawful use or development for a garden building at 1 Spencer Close was well-founded.

Reasons

7. Class E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) grants planning permission (as 'permitted development') for the provision within the curtilage of the dwellinghouse of '*(a) any building....required for a purpose incidental to the enjoyment of the dwellinghouse as such....*'. The provisions of Class E are qualified by a number of restrictions, as set out by paragraphs E.1.(a) to (k), E.2.(a) to (d), E.3. and E.4.
8. It is agreed between the two main parties that the proposed garden building would not fall foul of the restrictions or limitations set out within paragraphs E.2, E.3 or E.4. It is also commonly agreed between the parties that the proposed garden building would not be excluded by any of the restrictions or limitations established by paragraph E.1, other than that at E.1.(h). It states that development is not permitted by Class E if the development would include '*the construction or provision of a verandah, balcony or raised platform*;'.
9. Paragraph I. of Schedule 2, Part 1 of the GPDO provides definitions for the purposes of the interpretation of Part 1 but provides no guidance, definition or interpretation with regard to E.1.(h) and what constitutes a verandah (or balcony or raised platform). Helpfully, the '*Permitted development rights for householders: Technical Guidance*' document¹ provides some assistance. It states² that a verandah is '*understood to be a gallery, platform, or balcony, usually roofed and often partly enclosed, extending along the outside of a building at ground level*'. It goes on to define a raised platform as being '*any platform with a height greater than 0.3 metres and will include roof terraces*'.
10. The front elevation of the garden building would be recessed under an overhanging portion of flat roof. Within that front elevation would be a 3-element glazed bi-fold door. A step up from the gravel path to the outbuilding's floor level – the step being the element the Council refer to as the verandah – would have the same approximate projection as the overhanging roof and the projecting wall at the right hand side of the façade and would provide access to the bi-fold door. The depth of the overhang and step would measure just less than 0.6 metres.
11. This step would be positioned under the overhanging part of the building's roof and would, on one side, be partially enclosed. In this respect it would reflect the Technical Guidance's description of what would be understood to constitute a verandah. However, its depth, between the front face of the building and the drop off from floor level to external ground level would be limited. Indeed, its limited depth would be such that it would not be of sufficient size to enable a chair or

¹ Ministry of Housing, Communities and Local Government (September 2019)

² On page 29

chairs to be placed to sit out on. Nor, because of the proposed method of opening of the bi-fold door, would it be able to be used for the storage of chairs, table or other items that might be considered to be part of extending internal 'living' space outwardly to elements of the building's exterior.

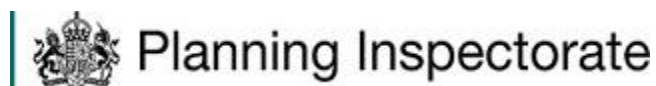
12. Whilst the bi-fold doors, when fully open, may provide an opportunity for some limited spill-over from interior to exterior in terms of usable space, I am not persuaded that it would facilitate sitting part in / part out of the building to the extent suggested by the Council. Rather, by providing an external step up from the gravel path to the building's floor level, and with only limited overall depth, its purpose is functional, and not to provide usable space in the manner that a verandah might otherwise be expected to provide.
13. For the reasons set out, I am satisfied that the proposed garden outbuilding does not include a verandah, balcony or raised platform as set out as an exclusion at paragraph E.1.(h) to the permission otherwise granted as permitted development by virtue of Class E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposed erection of a garden outbuilding is therefore permitted development pursuant to Class E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for which planning permission is granted by Article 3(1) of that Order.

Conclusion

14. For the reasons give above I conclude, on the evidence available, that the Council's refusal to grant a certificate of lawful use or development for the erection of a garden building was not well-founded and that the appeal should succeed. I shall exercise the powers transferred to me under section 195(2) of the Act (as amended).

G Robbie

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 11 February 2025 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, 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 erection of a garden outbuilding is permitted development pursuant to Class E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for which planning permission is granted by Article 3(1) of that Order.

Signed

G Robbie

Inspector

Date: **12 June 2026**

Reference: APP/Q3115/X/25/3363753

First Schedule

Garden Outbuilding

Second Schedule

Land at 1 Spencer Close, Goring, Reading, Oxfordshire RG8 0DW

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 use /operations described in the First Schedule taking place on the land specified in the Second Schedule was /were 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.

Plan

This is the plan referred to in the Lawful Development Certificate dated: **12 June 2026**

by **G Robbie BA(Hons) BPI MRTPI**

Land at: **1 Spencer Close, Gording, Reading, Oxfordshire RG8 0DW**

Reference: **APP/Q3115/X/25/3363753**

Scale: Not to Scale

