



Appeal Decision

Site visit made on 1 June 2026

by Elizabeth Pleasant BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date 15 June 2026

Appeal Ref: APP/B3410/X/24/3354469

The Raddle, Raddle Lane, Upper Leigh, Staffordshire, ST10 4SX

- 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 Paul Coates against the decision of East Staffordshire Borough Council.
 - The application ref P/2024/00697, dated 28 June 2024, was refused by a notice dated 12 September 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: Confirmation that works have been commenced in relation to planning approval P/2014/00262 for the erection of an agricultural building for the storage of fodder and implements.
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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.

Main Issue

2. Section 191(4) of the Town and Country Planning Act, 1990, as amended (the Act) indicates that if, on an application under that section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matters described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application. The planning merits of the development are not relevant in this appeal, and the main issue is whether the Council's decision to refuse to grant a Certificate of Lawful Use or Development (LDC) was well founded. In this case that turns on whether the works that have been carried out constitute a commencement of development.
3. It is established case law that the appellant's evidence does not need to be corroborated by 'independent' evidence for it to be accepted. In the event that there is no evidence to contradict the appellant's version of events, an LDC should be issued. However, the appellant's own evidence must be sufficiently precise and unambiguous to justify a grant of an LDC on the balance of probability.

Reasons

4. Planning permission was granted on 7 April 2014 for an agricultural building for the storage of fodder and implements at The Raddle. A condition of that planning permission was that the development permitted must be begun before the

expiration of three years from the date of the permission. The relevant date for the works to have begun is thus 7 April 2017¹.

5. It is the appellant's case that prior to his purchase of the land the previous owner had advised him that works on the agricultural building had begun within the requisite three-year period. The appellant subsequently uncovered 8 bolt plates in the ground and in the position of the proposed building. It is his view that those bolt plates are part of the building works and operations which demonstrate that works on the agricultural building have begun. In support of his case, he has provided email correspondence from a planning agent, Mr Perry, who had acted for the previous landowner when he secured the original planning permission for the agricultural building and for a further livestock building granted in 2018. Mr Perry confirms that: *"as set out in my planning statement in relation to application P/2018/00282, I was aware that my client had commenced works on the earlier permission (P/2014/00262) within the requisite time period and had installed bolt plates for the building."* A copy of the planning statement referred to has also been provided which states: *"In 2014 ESBC granted planning permission for a building for the storage of fodder and implements under reference number P/2014/00262 and work has started on its construction...."* That planning statement was dated 21.02.2018.
6. The appellant contends that the bolt plates constitute a commencement of development and the correspondence from Mr Perry confirms that those works begun before the relevant date. On the other hand, the Council do not consider that the evidence is sufficiently precise to demonstrate that operations undertaken are in connection with the building and nor that they had taken place by the relevant date.
7. Section 56 of the Act sets out what actually constitutes a start of development for the purposes of when a planning permission is taken to be begun, and the relevant date is the date on which a "material operation" **comprised in the development**² is carried out. A "material operation" is defined in S56 (4) as:
 - (a) any work of construction in the course of the erection 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.
8. It is established case law that the threshold for what is deemed to be a "material operation" is low, and the Council do not appear to dispute that the works undertaken in the laying of the bolt plates could be a material operation in this case, so long as those works were comprised in the development of the agricultural building and the works were begun by the relevant date.

¹ P/2014/00262, dated 7 April 2014.

² Bold text is my emphasis.

9. I was able to view the bolt plates that have been installed on my site visit. The condition of the plates within the area excavated, laid with hardcore and subsequent landslip, indicates that the works had clearly been begun some considerable time ago. Furthermore, with the aid of a tape measure, the main parties established on the site visit that the eight bolts that have been installed are in a position whereby they would support the steel frame of the agricultural building permitted in 2014³.
10. The Council do not have any evidence that would dispute the evidence provided by Mr Perry. He is a Professional Planning Consultant and Commercial Property Surveyor and his 2018 planning statement and subsequent email dated, 25 October 2024 confirms that he was aware that his former client, the previous landowner, had commenced work on the agricultural building prior to the relevant date, 7 April 2017 by installing the bolt plates. Whilst his correspondence is not in the form of a Statutory Declaration, his 2018 and 2024 correspondence is sufficiently precise and unambiguous such that, in the absence of any contrary evidence, it should be accepted.
11. As such, it is my view that the evidence before me demonstrates that the works that have been carried out; namely the material operation of levelling the site and installing eight bolt plates, fall within what constitutes a start of development as set out in the Act. Furthermore, those works were, on the balance of probability, begun before the relevant date. Therefore, the development in question has lawfully begun.

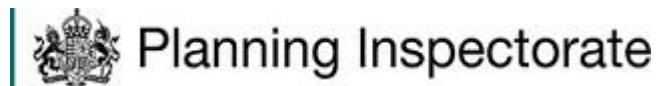
Conclusion

12. For the reasons given above I conclude, on the evidence available, that the Council's refusal to grant a certificate of lawful use or development in respect of the commencement of construction of an agricultural building under application P/2014/00262 was not well-founded and that the appeal should succeed. I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

Elizabeth Pleasant

INSPECTOR

³ Drawing No: 3531-01 Rev A, dated Feb 2014. Ref: P/2014/00262.



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 28 June 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 levelling of land and installation of eight bolt plates constitute a material operation sufficient to be defined as commencement of construction of an agricultural building approved under application P/2014/00262 and, on the balance of probability, those works were begun prior to 7 April 2017.

Signed

Elizabeth Pleasant

Inspector

Date 15 June 2026

Reference: APP/B3410/X/24/3354469

First Schedule

Commencement of construction of an agricultural building for the storage of fodder and implements under application P/2014/00262

Second Schedule

Land at The Raddle, Raddle Lane, Upper Leigh, ST10 4SX

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 15 June 2026

by Elizabeth Pleasant

Land at: The Raddle, Upper Leigh, ST10 4SX

Reference: APP/B3410/X/24/3354469

Scale: Not to Scale

