



Appeal Decisions

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP

an Inspector appointed by the Secretary of State

Decision date: 23 June 2026

Appeal A: Ref APP/C1570/X/24/3343868

Abbots Manor Bungalow, Thaxted Road, Wimbish, Essex CB10 2UT

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr and Mrs J Evans against the decision of Uttlesford District Council.
- The application Ref UTT/23/2646/CLE, dated 20 October 2023, was refused by notice dated 19 January 2024.
- The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended (the Act).
- The use for which a certificate of lawful use or development is sought is erection and occupation of a building as a dwelling.

Appeal B: Ref APP/C1570/X/24/3343869

Abbots Manor Bungalow, Thaxted Road, Wimbish, Essex CB10 2UT

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr and Mrs J Evans against the decision of Uttlesford District Council.
- The application Ref UTT/24/0273/CLE, dated 2 February 2024, was refused by notice dated 8 February 2024.
- The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended (the Act).
- The use for which a certificate of lawful use or development is sought is erection and occupation of a building as a dwelling.

Decisions

1. Appeals A and B are dismissed.

Procedural Matters

2. No site visit was necessary for me to determine these LDC appeals, which turn as they do on issues of lawfulness and the evidence submitted. Accordingly, I have made the Decisions on the evidence before me.
3. Both appeals concern the same development, with the application in Appeal B being made with further evidence submitted.

Main Issues

4. The main issue in each appeal is whether or not the Council's reasons for refusing the respective LDC applications were well-founded.

Reasons

5. The appellants purchased a wider piece of land in July 2018, upon which the prefabricated appeal structure was positioned in June 2019. The Council had granted planning permission in 2017 under reference UTT/16/3624/FUL for a replacement dwelling on the land¹ and, according to Mr Evan's statutory declaration, he and his family lived in the appeal structure while that new dwelling (to become known as Abbots Grange) was being built.
6. The appellants and their family moved into the newly constructed Abbots Grange on 28 November 2022, when it became habitable, and the appeal structure was rented to Mr and Mrs Farr from that date under a tenancy agreement (and, on 22 September 2023, to Mr Shepherd).
7. Based on all the evidence submitted, I find as a matter of fact and degree and on the balance of probabilities, that a new planning unit was created on 28 November 2022 when it became the case that there were then 2 dwellings in use upon the original parcel of land rather than 1. That is to say, there was Abbot Grange occupied by the appellants' family and a separate new planning unit under separate residential occupation by Mr and Mrs Farr. Without planning permission being in place for that material change of use of the land, it constituted a breach of planning control.
8. The breach of planning control took place within 4 years of the dates of the applications (Appeals A and B)². Therefore, it cannot be the case that the provisions of section 171B of the Act provide immunity for the unauthorised change of use on the basis of the passage of time.

Conclusions

9. For the reasons given above, I conclude that the Council's refusals to grant certificates of lawful use or development in respect of Appeals A and B were well-founded and that the appeals should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

Andrew Walker

INSPECTOR

¹ The scheme being amended under reference UTT/20/0942/FUL on 23 June 2020.

² 4 years being the shortest period possible over which to acquire immunity from enforcement action, depending on the application of the Act to a development.

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