



Appeal Decision

by Siobhan Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 August 2026

Appeal Ref: APP/Y3425/X/25/3367279

64 Lichfield Road, Stafford, Staffordshire, ST17 4LW

- 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 Byatts Platt Sipp against the decision of Stafford Borough Council.
 - The application ref 24/39718/LDCPP, dated 1 October 2024, was refused by notice dated 11 December 2024.
 - 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 the carrying out of works that were the subject of application 23/38495/OUT which will comprise of the demolition of the existing outbuilding, along with the erection of 2 two-bedroomed apartments and a detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the Council's decision to refuse the LDC was well founded. This turns on whether the proposed development has planning permission.
3. The planning merits of the proposal are not relevant.

Reasons

4. A decision notice¹, was issued on 29 January 2024. This has, written in capitals at the top of the page, "PERMISSION FOR DEVELOPMENT". The notice describes the proposed development as "*Outline application for access, layout and scale – Demolition of existing outbuilding. Proposed two no.2 bedroom apartments and a detached dwelling*" at 64 Lichfield Road, Stafford. The decision notices also states "Stafford Borough Council ... permits the above development ... subject to the following conditions." No conditions are listed.
5. Under this there is a heading "*The reasons for the Council's decision to grant permission for the development subject to the above conditions are:*" However, there are no reasons for granting planning permission. Instead, there is text citing planning harm and planning policy conflicts. The text reads as five separate reasons for refusal.
6. There is an informative towards the end which includes the words "*the proposal is not considered to achieve an acceptable and sustainable development*".

¹ Council reference 23/38495/OUT

7. I appreciate that the officer report indicated an intention to refuse permission. The decision notice is clearly defective and there is no dispute about that. However, defects do not necessarily invalidate a decision notice.
8. I note the Council's reference to *James Hay Pension Trustees Ltd v First Secretary of State [2006] EWCA Civ 1387*. In that case, the court found that the document failed to comply with key statutory requirements and therefore it did not constitute a decision. However, I do not consider that the decision notice before me fails to comply with key statutory requirements. In this appeal, the decision notice has the Council reference number, date, the site address, a description of the proposal and it states that the development is permitted.
9. I have also had regard to *Archid Architecture and Interior Design v Dundee City Council [2014]*. In that case, the decision notice that Dundee City Council had issued was similar to the one before me in that it purported to grant planning permission but then gave reasons for refusal. The Court of Session found that the decision notice was valid unless and until the court ruled otherwise. The Scottish judgement has persuasive value.
10. In this case, the document clearly states that planning permission is granted. Although the notice contains what look like reasons for refusal, nowhere does it say that permission is refused. As in the *Archid* case, I consider that Stafford's issued decision notice is a valid permission. A planning permission is irrevocable unless quashed by the courts or revoked by the Council under s97 of the Act. Neither of these has occurred. It does not matter that the Council issued it in error.
11. My finding that the document is a valid permission is not the end of the matter. The purpose of an application under s192(b) of the Act is to determine whether a proposed development would be lawful.
12. For the proposed development to be lawful it would require either (i) an outline permission with reserved matters discharged or (ii) a grant of full planning permission
13. Firstly, there is no suggestion that any reserved matters have been submitted or approved. Therefore, the required approvals in respect of outline permission do not exist.
14. Secondly, the appellant claims that the decision made by the Council is a full permission. The appellant supports this claim by saying that the permission lacks any condition requiring the submission of reserved matters. However, s92(2) of the Act deems outline planning permission to be granted subject to conditions relating to the time limits for submitting reserved matters applications and for implementing the permission. This is even if the conditions are not printed on the decision notice.
15. Furthermore, I see from the evidence before me that the application was specifically made in outline with appearance and landscaping reserved for subsequent approval. The application was made on a specific form for an outline application and the completed form indicated that the application was sought only for access, layout and scale. Whilst elevational details were submitted, permission was not sought for detailed design and the Council treated them as for illustrative purposes only. I have no evidence that any substantive landscaping details were provided. Moreover, the operative part of the planning permission (in the

description of development) makes it outline only for access, layout and scale. Therefore, full planning permission does not exist for the development either.

16. The required permissions to commence development do not exist and therefore the development would not be lawful.

Conclusion

17. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for "the carrying out of works that were the subject of application 23/38495/OUT which will comprise of the demolition of the existing outbuilding, along with the erection of 2 two-bedroomed apartments and a detached dwelling" is 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).

Siobhan Watson

INSPECTOR