



Appeal Decision

Site visit made on 4 August 2026

by **T C King BA(Hons), MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 August 2026

Appeal Ref: APP/W3520/X/24/3343778

Bridge Field Paddock, Green Road, Haughley, Stowmarket, IP14 3RA

- 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 Kathleen Webb against the decision of Mid Suffolk District Council.
 - The application ref DC/23/04157, dated 7 September 2023, was refused by notice dated 15 November 2023.
 - The application was made under section 191(1)(a and 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 use of the land for the stationing of caravans and the retention of access, hardstanding, dayroom and garden shed on the land.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue, in this appeal is whether, on the balance of probability, the use was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended).

Reasons

3. Where LDCs are involved the planning merits of the development applied for do not fall to be considered. Instead, the decision will be based strictly on evidential fact, planning legislation and, where applicable, relevant case law.
4. The LDC application is dated 5 September 2023 and, therefore, other parts of the legislation aside, the appellant must prove, on the balance of probability, that the use and associated operational development has been occurring continuously, and kept in situ – without any significant breaks - since at least 5 September 2013 ie ten years prior to the date of the LDC application made.
5. In an appeal under s195 of the Act, against the refusal of a LDC, the burden of proof is upon the appellant who will need to demonstrate immunity from planning enforcement action. Accordingly, the key is that the evidence should be precise and unambiguous to this effect.
6. However, s191(2) says that uses and operations are lawful at any time if (a) no enforcement action may then be taken in respect of them because the time for enforcement action has expired, or (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.

7. Here, an enforcement notice, issued on 4 April 2016, remains in force. The notice was issued due to the unauthorised use of the land, the stationing of three residential caravans on the land to this end, associated operational development, and the construction of a vehicular access. Amongst other things, it requires for the cessation of the use of the land, the demolition of stable buildings and the discontinuation of the vehicular access.
8. Further, although it is not a material consideration in the determination of this application, a County Court Injunction was applied for and injunctive relief secured in May 2018 for the requirements of the enforcement notice to be observed and carried out.
9. Nonetheless, despite the above, the unauthorised development continues and, on this basis, with the enforcement notice in effect, this appeal cannot succeed as a LDC cannot be issued for the said use.
10. The appellant considers that the personal circumstances of the occupiers of the land should be taken into account, along with an indication that the Council cannot demonstrate a five year supply of land for gypsy and traveller purposes, amongst other points raised. However, for the reasons given, a LDC application is not the correct vehicle for such considerations. Instead, these factors can only be assessed in determination of an application made for retrospective planning permission.
11. I note that the LDC application refers to hardstanding on the land along with a dayroom and a garden shed, none of which were mentioned in the enforcement notice. These entities, and their respective locations, were not, though, specifically identified in the LDC application. Moreover, they facilitate the unauthorised use of the land.
12. For the reasons given above I must conclude, by way of the fundamental legal requirement under s191(2)(b) of the 1990 Act, as amended, the development was not lawful on 5 September 2023.
13. Accordingly, I shall exercise my powers under section 195(3) of the said Act.

T C King

INSPECTOR