



Appeal Decision

Site visit made on 3 September 2026

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2026

Appeal Ref: APP/Q3820/X/25/3371843

42 Chevening Close, Broadfield, Crawley RH11 9QU

- 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 Paula Armsby against the decision of Crawley Borough Council.
 - The application ref CR/2025/0020/191, dated 13 January 2025, was refused by notice dated 9 July 2025.
 - 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 a "Ground floor wraparound extension completed four years prior to April 25th, 2024".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The certificate seeks to establish whether the works would have been lawful on the date of the application. In an application for an LDC, the onus is on the applicant to provide all the relevant information and evidence to support their case. On appeal, the Inspector's role is to decide whether, on the evidence, the Council's refusal to issue an LDC was well-founded or not. The case must be considered solely on the facts of the case, the relevant planning law and judicial authority, and its planning merits are of no relevance. The appellant must show, on the balance of probabilities, that the development, at the date of application, was lawful.
3. The Council state that part of the extension, to the side of the main dwelling, is built upon land which does not form part of the curtilage of the appeal site and therefore it is built upon the adjacent woodland area. However, the change of use of the land to residential use is not specifically referenced in this LDC application. Therefore, this is not a matter for this appeal, and I have determined the appeal on the basis of the description of the development in the LDC application form.

Main Issue

4. The main issue is whether the Council's refusal of an LDC was well founded. It is necessary to consider whether the appellant has proved on the balance of probability that the ground floor wraparound extension was substantially completed on or before 13 January 2021 (that being 4 years prior to the date of the LDC application).

Reasons

5. S171B(1) provides that no enforcement action may be taken in respect of any unauthorised operational development after the end of the period of four years beginning with the date on which the operations were 'substantially completed' unless the breach occurs on or after 25 April 2024 and the period is ten years. In this case, the appellant claims that the extension was substantially completed four years before the 25 April 2024.
6. The phrase 'substantially completed' must be taken as having the meaning established by Lord Hobhouse in *Sage v SSETR & Maidstone BC* [2003] UKHL 22. In the *Sage judgement*, the alleged building had no glazing, guttering, ground floor, access to the first floor, service fittings or internal finishes. The appellant argued that such works would be exempted from development under s55(2)(a). The House of Lords held that s55(2)(a) applied only in cases where the building had been completed and then altered or improved. A building could not be regarded as substantially completed for the purposes of s171B(1) if there are outstanding works, even if they only affect the interior. What is required is 'a fully detailed building of a certain character.'
7. If the Council has no evidence of its own, or from others, to contradict or otherwise make the version of events less than probable, there is no good reason to dismiss the appeal, provided the appellant's evidence alone is, on the balance of probability, sufficiently precise and unambiguous.
8. The appellant states that the wraparound extension was undertaken in late 2019 and early 2020 and a site visit was carried out by the Council's Building Control officer on 4 April 2020 to sign off the works. In support of this claim, an invoice has been submitted which relates to concrete pouring for the extension, dated 11 March 2020. However, no Building Control completion certificate has been submitted to support this claim and Building Control site visits are routinely made during the course of construction. Furthermore, the pouring of concrete is works carried out during the course of construction and does not demonstrate substantial completion. Indeed, the appellant's own planning statement contradicts her version of events by stating that the "*builder disappeared without completing the works.*"
9. The appellant also contends that all the internal works were fully completed and that the extension has formed part of the living accommodation of the dwellinghouse since 2020. In support of this a photograph has been provided, which is said to date from 2024 (month unknown) which shows the rear elevation of the extension, and also shows that the doors and windows were installed at this time.
10. However, the photograph, which is said to be taken some time in 2024, does not clearly show the inside of the extension and therefore does not show what works had been done. Furthermore, this 2024 photograph cannot demonstrate what works were done on or before the pertinent date of the 13 January 2021. Whilst the appellant argues that the amount of internal works carried out should carry more weight than the external works, there is very little corroborating evidence to demonstrate what internal works were done and when. Indeed, as outlined above, an invoice for concrete does not demonstrate substantial completion.
11. Aerial photographs submitted, dated from April 2020 and May 2020, show that the footprint and structure of the extension was in place at this time. However, the

aerial photographs submitted are not conclusive since the extension is partially covered by the adjacent woodland canopy. Furthermore, given that these are aerial photographs they do not clearly show what works were carried out and when. As such, these also do not demonstrate substantial completion of the extension.

12. The plans submitted with this LDC application show that it is intended for the extension to be finished in timber cladding to the side and rear elevations with a brick finish to the front elevation. The first officer site visit, in relation to the extension was carried out in May 2020. Photographs taken by the officer at this time show that the extension was not complete with the external wall materials of the extension yet to be finished on the front, rear and side (woodland facing) elevations¹. Furthermore, as well as the external walls not being completed, the photographs show that there are uncut roof timbers projecting from the extension and insulation in the roof of the extension clearly visible from the outside, indicating that the extension is still under construction.
13. In addition, the officer's site visit photos dated 16 July 2021 for the refused planning application ref: CR/2020/0694/FUL for the change of use of the land to private curtilage and retention of the wrap around extension (the subject of this appeal) also show the unfinished nature of the extension. The external walls remain in the same unfinished condition, and the uncut roof timbers and insulation in the roof of the extension are still clearly visible from outside indicating that it was still unfinished at this time². Indeed, I also observed the same unfinished external works at the time of my site visit in September 2026.
14. The delegated officer's report for planning application ref: CR/2020/0694/FUL states:

"At the time of site inspection, the external finish of the extension was unfinished, although it is proposed to be timber clad. The roof is covered in roofing felt. Internally the extension creates a new dining area, although at the time of the site visit it was being used as additional storage space."
15. The appellant considers that this statement confirms that the extension was being used as part of the dwelling which therefore demonstrates substantial completion. However, the report does not make clear what was being stored in the extension at that time, and no internal photographs or evidence has been submitted to demonstrate the internal condition of the extension. Indeed, storage could relate to building materials for the unfinished extension. In any case, this does not overcome the amount of external works which still needs to be carried out.
16. As outlined above, from the limited evidence before me, it is unclear what internal works were carried out and when. Furthermore, the photographs submitted by the Council show that significant external works were still going on in May 2020 and July 2021, which contradict the appellant's claim that the extension was substantially complete at these times. Indeed, even during my own site inspection in September 2026, significant external building works, which include the external finish of the extension, still remain to be completed.

¹ Page 6 of the delegated officer's report council ref: CR/2025/0020/191.

² Page 7 and 8 of the delegated officer's report council ref: CR/2025/0020/191.

17. The appellant's planning and appeal statements, the proposed plan of the extension, the delegated officer's report³, the external photograph from 2024 and aerial photographs of the appeal site are the principal documents relied upon to corroborate the appellant's account but, for the reasons given, these carry limited weight in support of the appellant's case. It is well established in planning law that the onus rests with the appellant to make out his or her case. However, on the evidence before me, I find that burden has not been satisfactorily discharged in this particular case.
18. I therefore conclude that the appellant has failed to discharge the burden on her to show on the balance of probability that the wrap around extension was substantially complete on or before 13 January 2021 (that being 4 years prior to the date of the LDC application), such that the refusal of the LDC was well-founded.

Conclusion

19. For the above reasons, I therefore conclude that the Council's refusal to grant a certificate of lawful use or development in respect of a "ground floor wraparound extension" was well-founded, and the appeal should fail. I will accordingly exercise the powers transferred to me in section 195(3) of the 1990 Act as amended.

R Satheesan

INSPECTOR

³ Council ref: CR/2020/0694/FUL.