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## Appeal Decision

by S Lo LLB M.SRA

an Inspector appointed by the Secretary of State

Decision date: 21 September 2026

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**Appeal Ref: APP/K0235/X/25/3373400**

**14 Woodman Way, Wootton, Bedford MK43 9RX**

- 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 Miss Kerenhappuch Tazvivinga against the decision of Bedford Borough Council.
  - The application ref 25/01631/LDP, dated 16 July 2025, was refused by notice dated 15 September 2025.
  - 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 conversion of an existing detached garage into a study and home learning space for domestic use by the household.
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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 proposed use and operations found to be lawful.

### Preliminary Matters

2. As the issues in dispute have been capable of determination on the basis of the parties' submitted documentary evidence, it has not been necessary to undertake a site visit.
3. An LDC is not a planning permission (PP). Its purpose is to allow landowners and others to ascertain whether specific uses, operations or other activities are or would be lawful. Lawfulness is equated with immunity from enforcement action.
4. In an application for a LDC, the onus is on the applicant, now appellant, to demonstrate on the balance of probabilities that the proposed development would be lawful. If there is no contradictory evidence from others to make their case less than probable, there is no reason to dismiss the appeal, provided that the appellant's evidence alone is sufficiently precise and unambiguous.
5. The issue of an LDC depends entirely on factual evidence about the history and planning status of the building or land in question and the interpretation of any relevant planning law or judicial authority. Thus, planning policies and planning merits are not relevant considerations in determining an LDC application or appeal. Hence, for example, whether the garage is physically capable of accommodating modern vehicles, or whether there are any off-street parking spaces available, are immaterial to whether or not an LDC is issued. The appropriateness of existing conditions is not a matter before me, insofar as they remain extant and must be considered as currently imposed.

6. The host property is a dwellinghouse with a detached garage. The proposal seeks to seal the internal faces of the existing front and rear garage doors without affecting their external appearance. It also seeks to install patio doors in the elevation facing the private rear garden. No extension or increase in the building's footprint is proposed.
7. The appellant's application form refers to the "conversion" of the existing detached garage. Whilst the term "conversion" does not itself appear within the statutory definition of development, its ordinary dictionary meaning is the 'adaptation of a building, or part of a building, for a different use'. Given the above context, I am satisfied that the proposal would not involve the adaptation of the garage to a different use. The evidence before me indicates that the garage would continue to be used for purposes incidental to the enjoyment of the dwellinghouse, namely as a study and home learning space.

## **Background**

8. On 1 June 2016, PP (Ref: 15/02060/MAF) was granted for the erection of 600 dwellings, together with vehicular access, pedestrian and cycle links, public open space, car parking, landscaping, drainage and associated infrastructure works. The appeal property is one of the dwellings constructed pursuant to that permission.
9. A number of conditions were imposed, including Condition 18, which states: "Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any amendments thereto, at no time shall garage buildings hereby permitted be converted to living accommodation without the grant of planning permission." The reason for the condition is: "In order to ensure the continued provision of on-site parking in accordance with saved Policy BE30 iv), v) and vi) of the Bedford Borough Local Plan 2002."

## **Main Issue**

10. The main issue in this appeal is whether the Council's decision to refuse a LDC was well founded. This turns on whether the resulting accommodation would constitute 'living accommodation' for the purposes of Condition 18, and consequently, whether the proposal would be lawful.

## **Reasons**

### *Relevant Case Law*

11. In *Trump*<sup>1</sup>, it was held that, like other legal documents, PP must be interpreted in its legal and factual context. A PP is a public document which may be relied on by parties unrelated to those originally involved. The approach is to consider what the reasonable reader would understand the words to mean in the context of the overall purpose of the PP and with common sense. As such, the basic rule is that a PP should stand by itself. Its meaning should be clear within the four corners of the document. If something is not clear but the PP clearly incorporates the application and plans, they may be used as aids to interpreting or understanding what is permitted.

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<sup>1</sup> Trump International Golf Club Scotland Ltd v the Scottish Ministers [2015] UKSC 74

12. In *Slough*<sup>2</sup>, it was held that although related documents are usually incorporated, mere reference to a plan or other document was not enough to incorporate it into the PP. Clear words are needed to that effect.
13. In *Lambeth*<sup>3</sup>, it was held that ‘Whatever the legal character of the document in question, the starting-point – and usually the end-point – is to find “the natural and ordinary meaning” of the words there used, viewed in their particular context (statutory or otherwise) and in the light of common sense.’
14. Taken together, these authorities establish that the interpretation of planning conditions is primarily a matter of construing the natural and ordinary meaning of the words used, viewed in their particular context and in the light of common sense. While the courts adopt a purposive and practical approach, the permission should generally be self-contained. Accordingly, any reliance on external documents should be limited unless incorporated by clear and express wording.

### *Condition 18*

15. The reason for Condition 18 indicates that its purpose was to secure the continued provision of on-site parking. However, applying the natural and ordinary meaning of the words used, I am not persuaded that Condition 18 operates as a general requirement for the garage to be retained solely for the parking of vehicles. Rather, it provides only that garage buildings shall not be "converted to living accommodation" without planning permission. The condition contains no wording requiring the garage to remain available for vehicle parking, nor does it expressly prohibit other incidental domestic uses. Whilst the reason for the condition may assist in understanding its purpose, it cannot be used to impose restrictions that are not clearly and expressly contained within the condition itself. The natural and ordinary meaning of the condition does not require the garage to remain available for parking. Had it been intended that the garage be retained permanently for parking purposes, clear wording to that effect could have been included.
16. The appellant has referred to HMRC guidance, specifically EIM11321, *Accommodation: Meaning of Living Accommodation*. Notably, this guidance was published for the purposes of administering the Income Tax (Earnings and Pensions) Act 2003 and it is not planning guidance. Furthermore, there is no clear and express wording within the PP to suggest that this HMRC guidance was intended to inform the interpretation of Condition 18. Consequently, I afford it no weight.
17. Nonetheless, the proposal is for the garage to be used as a study and home learning space for domestic use. The submitted evidence indicates that the converted space would not contain facilities ordinarily associated with independent residential occupation, such as sleeping accommodation, cooking facilities, bathing facilities or separate sanitary facilities. Nor would it function as a self-contained unit of accommodation capable of supporting day-to-day domestic living independent from the main dwelling.
18. Taking these matters together, the evidence demonstrates that the proposal would not result in the creation of a separate dwelling, self-contained residential accommodation, or any material change in the overall residential use of the

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<sup>2</sup> R v SSE ex parte Slough BC [1995] JPL 1128

<sup>3</sup> n Lambeth LBC v SSCLG & Aberdeen Asset Management Ltd & Others [2019] UKSC 33,

property. Even if the proposed works, including the installation of patio doors, were to be regarded as a physical conversion of the garage, the resulting use would remain that of an ancillary home office and study associated with the occupation of the main dwellinghouse. In those circumstances, I find that the proposal would not amount to a conversion to "living accommodation" within the natural and ordinary meaning of that expression. The condition does not prohibit the garage from being used for other purposes incidental to the enjoyment of the dwellinghouse.

Consequently, even if the proposal would result in the garage no longer being available for vehicle parking, that fact alone would not demonstrate conflict with the wording of Condition 18.

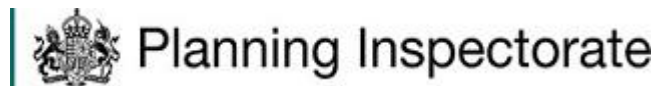
19. I am satisfied that the proposed internal alterations do not constitute development within the meaning of section 55 of the Town and Country Planning Act 1990. The only external alteration proposed is the replacement of the existing garage door with patio doors on the elevation facing the rear garden. The evidence indicates that these operational works would benefit from planning permission granted by Article 3 and Class E, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended.
20. Overall, I am satisfied that the appellant's evidence is sufficiently precise and unambiguous and has not been contradicted by the Council's evidence. On the balance of probabilities, and as I have set out earlier, I find that the proposal would not result in the use or conversion of the garage as living accommodation. Consequently, it would not breach Condition 18. As I am satisfied that the proposal would benefit from permitted development rights, I conclude that the proposal would be lawful, and a Lawful Development Certificate should be granted.

## **Conclusion**

21. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of the conversion of an existing detached garage as a study and home learning space for domestic use at 14 Woodman Way, Wootton, Bedford MK43 9RX was not well founded. The appeal should succeed, and I will exercise the powers transferred to me under section 195(2) of the 1990 Act as amended.

*S Lo*

INSPECTOR



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# Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192  
(as amended by Section 10 of the Planning and Compensation Act 1991)

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2015: ARTICLE 39

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**IT IS HEREBY CERTIFIED** that on 31 August 2025 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, would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason:

1. The proposed use of the garage as a study and home learning space would not result in use as living accommodation and would not be in breach of condition 18 of planning permission ref:15/02060/MAF. The external works would benefit from planning permission granted by Article 3, and Class E, Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015.

Signed

**S Lo**

Inspector

Date: **21 September 2026**

Reference: APP/K0235/X/25/3373400

## ***First Schedule***

The conversion of an existing detached garage into a study and home learning space for domestic use by the household

## ***Second Schedule***

14 Woodman Way, Wootton, Bedford MK43 9RX

IMPORTANT NOTES – SEE OVER

## NOTES

This certificate is issued solely for the purpose of Section 192 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 would have been lawful, on the certified date and, thus, 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 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.

The effect of the certificate is subject to the provisions in section 192(4) of the 1990 Act, as amended, which state that the lawfulness of a specified use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters which were relevant to the decision about lawfulness.

## Plan

This is the plan referred to in this decision dated: **21 September 2026**

by **S Lo LLB M.SRA**

**Land at: 14 Woodman Way, Wootton, Bedford MK43 9RX**

**Reference: APP/K0235/X/25/3373400**

Scale: Not to Scale

