



Appeal Decision

Site visit made on 15 September 2026

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2026

Appeal Ref: APP/R1038/X/25/3376000

Sunny Bank, White Lane, Ridgway, Sheffield S12 3GB

- 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 Elizabeth Lee against the decision of North East Derbyshire District Council.
 - The application ref 23/00546/LDC, dated 16 June 2023, was refused by notice dated 8 April 2025.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 (as amended).
 - The use for which an LDC is sought is equestrian use.
-

Decision

1. The appeal is allowed and attached to this decision is an LDC describing the existing use which is found to be lawful.

Procedural matter

2. The Council considers the description of the use for which an LDC is sought not to be sufficiently specific. It is, in fact, too specific because 'equestrian' relates to the riding of horses, rather than to the keeping of horses. The majority of horses are kept, and cared for, but only a percentage of these are kept for the purpose of engaging in riding activities, such as race horses. The purpose of keeping a horse is not actually relevant because it is the keeping of the horse that is the use of the land. The appeal will be determined on the basis that the claimed use is the 'keeping of horses'.

Reasons

3. The appeal site is about 0.2 hectares. The site is mainly grass but includes four buildings; a brick stable building with two stables, a large open sided barn, a smaller enclosed barn, and a long barn alongside the south-west boundary of the site (part of the long barn is not within the site). The Appellant claims that the land has been used for the keeping of horses since 1957 when it was purchased, with a dwelling to the north-west, by her grandparents. For the use of the land to be lawful and thus for an LDC to be issued the Appellant must provide sufficient precise and unambiguous evidence to justify a conclusion that the claimed use of the land subsisted for a continuous ten year period and has not subsequently been abandoned.
4. The Appellant has provided a 'sworn declaration' in support of her appeal but she does not declare that the facts given are true to her knowledge. The document is witnessed by Mr D Allan but cannot be considered to be a sworn statement. The Appellant's sister, Ms H Moxon, has provided, at appeal stage, a sworn affidavit which satisfies the requirements of the Statutory Declarations Act 1835. The facts stated in the affidavit are almost identical to the information given in the Appellant's statement.

5. The land and an adjacent dwelling were purchased by the Appellant's grandparents in 1957. The dwelling was sold off in 1975 but the land was retained by the family. Between 1980 and 1995 the Appellant and her sister each kept a pony on the land and from then on "...we began to rent the land and stables out to other horse and pony owners. Generally this was for 2, but sometimes 3 horses and ponies...". Renting of the land "...was on a more commercial basis, with some payment being taken..." though "We ceased to do this in 2019 due to the deterioration in my father's health, following a second stroke, requiring significant care, which left no time to manage animals on our land".

6. Nine photographs are in evidence but none are dated, only a few were clearly taken on the land, and they do not provide evidence of use of the land over an extended period. There is no photographic or documentary evidence of the keeping of horses on the land between 1980 and 1995. There is no documentary evidence of the use of the land, in the form of invoices or receipts, for the 24 year period 1995-2019 when it was rented to others; the evidence there is does not specifically refer to the land. There is no evidence of any use of the land, for the keeping of horses, for the four year period from 2019 up to date of the application. Historical access through the site to adjoining land and use of that land are not relevant matters. Nor is the condition of the buildings on the land, which are accepted by the Council to be lawful.

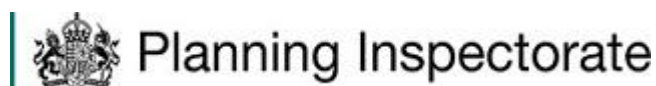
7. Despite the lack of documentary evidence there is no reason to doubt the claim made in the Appellant's statement and in the sworn affidavit of her sister, that they each kept a pony on the land between 1980 and 1995. The use of the land for the keeping of horses subsisted continuously for in excess of ten years and thus became the lawful use of the land. Thereafter, again despite the absence of corroborating documentary evidence and as a matter of planning judgement, there is no reason to doubt that the use of the land continued at materially the same level up until 2019. The need for the Appellant and her sister to care for their father after 2019 resulted in the lawful use of the land becoming dormant rather than the use being abandoned.

Conclusion

8. For the reasons given above, and on all evidence now available, the Council's refusal to grant an LDC for equestrian use at Sunny Bank, White Lane, Ridgway, Sheffield was not well-founded and the appeal succeeds. The powers transferred under section 195(2) of the 1990 Act as amended have been exercised accordingly.

John Braithwaite

Inspector



Lawful Development Certificate

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)

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

IT IS HEREBY CERTIFIED that on 16 June 2023 the use described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and edged and cross-hatched in black on the plan attached to this certificate, was lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The use subsisted continuously for a period in excess of ten years, thus gained immunity from enforcement action, and has not subsequently been abandoned

Signed

John Braithwaite

Inspector

Date: 22 September 2026

Reference: APP/R1038/X/25/3376000

First Schedule

Keeping of horses

Second Schedule

Land at Sunny Bank, White Lane, Ridgway, Sheffield S12 3GB

NOTES

This certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use described in the First Schedule taking place on the land specified in the Second Schedule was lawful, on the certified date and, thus, was 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 described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use 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.

Plan

This is the plan referred to in the Lawful Development Certificate dated: 22 September 2026

by John Braithwaite

Land at: Sunny Bank, White Lane, Ridgway, Sheffield S12 3GB

Reference: APP/R1038/X/25/3376000

Scale: Not to Scale

