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## Appeal Decision

by Mark Harbottle BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 October 2026

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**Appeal Ref: APP/Y2620/X/24/3348997**

**Sloley House, 27 Briston Road, Melton Constable, Norfolk NR24 2DG**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) (“the Act”) against a refusal to grant a certificate of lawful use or development (LDC).
  - The appeal is made by Mrs Sonia James against the decision of North Norfolk District Council.
  - The application ref EF/23/2472, dated 9 November 2023, was refused by notice dated 26 June 2024.
  - The application was made under section 192(1)(b) of the Act.
  - The development for which an LDC is sought is loft conversion.
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### Decision

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

### Preliminary Matters

2. The description of development given above is taken from the application form. The Council’s decision notice gave the fuller description of “conversion of loft to bedroom and installation of rooflights.” As this describes the development in greater detail, I shall adopt it in this decision.
3. The application was made on a form intended for proposed development subject to section 192(1)(b) of the Act. However, the applicants stated on the form, “We have had the roof replaced and 2 velux put in at the back of the property,” thus confirming that the development had already been carried out.
4. The Council’s decision notice recorded that fact, and I have seen no evidence to suggest that the use of the wrong form deprived it of any information it needed to be able to make a reasoned decision. Considering that, and having sought the views of the parties, I shall determine the appeal as relating to existing development subject to section 191(1)(b) of the Act.
5. There is some uncertainty over the date of the application. The appeal form states it was made on 11 November 2023, while the form I have been given is dated 9 November 2023. The Council’s decision notice addresses the lawfulness of the development on 1 May 2024, although it is not clear why that date was used. For the purposes of this decision and the LDC I have taken the date given on the application form.
6. The parties were advised that, considering agreed facts, a site visit was not necessary and would not be carried out.

### Main Issue

7. The main issue to be determined in this appeal is whether the Council’s refusal to issue an LDC was well founded. This will turn on whether the operational

development of the conversion of the loft to a bedroom and the installation of rooflights was lawful on the date the application was made.

## Reasons

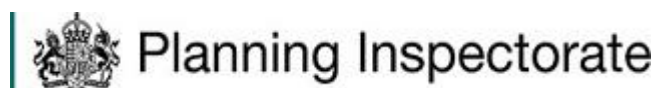
8. The formation of habitable accommodation within the loft space of a dwellinghouse does not involve a material change of use, provided that accommodation is to be used as part of the same dwellinghouse. Carrying out works that affect only the interior of a building, or do not materially affect its external appearance do not constitute development. No evidence that any works have altered or materially affected the exterior of the building, other than the installation of the rooflights, has been presented.
9. Additions to the roof of a dwellinghouse may be permitted by Article 3 and Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ("Class B" of "the Order"). Other alterations to the roof of a dwellinghouse may be permitted by Article 3 and Schedule 2, Part 1, Class C of the Order ("Class C").
10. The rooflights are not in a roof slope forming part of the principal elevation of the dwellinghouse and do not face a highway. Accordingly, their installation may be considered under Class B if they protrude more than 0.15 metres beyond the plane of the slope of the original roof and under Class C if they do not.
11. It is agreed that the rooflights do not protrude more than 0.15 m from the roof plane. The Council has indicated that it would have issued an LDC for the development if that had been known when it made its decision and if the correct application form had been used. As indicated above, the information within the form was sufficient for the lawfulness of development already carried out to be determined.
12. Accordingly, and on the facts now before me, the alterations to the roof including the installation of the rooflights were permitted by Article 3 and Class C of the Order when they were carried out and on the date the application was made.

## Conclusion

13. For the reasons given above, I conclude, on the evidence now available, that the Council's refusal to grant a LDC for conversion of loft to bedroom and installation of rooflights is not well-founded and that the appeal should succeed. I will exercise accordingly the powers transferred to me in section 195(2) of the Act.

*Mark Harbottle*

INSPECTOR



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## 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

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**IT IS HEREBY CERTIFIED** that on 9 November 2023 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, were lawful within the meaning of section 191(2) of the Town and Country Planning Act 1990 (as amended), for the following reason:

The alterations to the roof of a dwellinghouse comprising the conversion of loft to bedroom and installation of rooflights are permitted by Article 3 and Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Signed

*Mark Harbottle*

Inspector

Date: 2 October 2026

Reference: APP/Y2620/X/24/3348997

### ***First Schedule***

Conversion of loft to bedroom and installation of rooflights

### ***Second Schedule***

Sloley House, 27 Briston Road, Melton Constable, Norfolk NR24 2DG

IMPORTANT NOTES – SEE OVER

## 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 /operations described in the First Schedule taking place on the land specified in the Second Schedule was /were lawful, on the certified date and, thus, was /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 use /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.

## Plan

This is the plan referred to in the Lawful Development Certificate dated: 2 October 2026

by Mark Harbottle

**Sloley House, 27 Briston Road, Melton Constable, Norfolk NR24 2DG**

**Reference: APP/Y2620/X/24/3348997**

Scale: Not to Scale

