



Appeal Decision

Site visit made on 1 October 2026

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2026

Appeal Ref: APP/P1560/X/24/3351659

60 Harwich Road, Lawford, Manningtree, Essex, CO11 2LP

- 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 Premwadee Haynes against the decision of Tendring District Council.
 - The application ref 24/00919/LUPROP, dated 19 June 2024, was refused by notice dated 9 September 2024.
 - The application was made under section 192(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 described as: Development for any proposed use of buildings, land and operations proposed to be carried out in, on, over or under land which comply with and fall within the restrictions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (Class E), as set out in Schedule 2 of the Order, anywhere on the hereditament of 60 Harwich Road, Lawford Essex, (edged blue on the attached location plan).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Section 192(1) of the Town and Country Planning Act 1990 (as amended) (the 1990 Act) sets out that: If any person wishes to ascertain whether (a) any proposed use of buildings or other land; or (b) any operations proposed to be carried out in, on, over or under land, would be lawful, they may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.
3. Section 192(2) of the 1990 Act indicates that if, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case shall refuse the application.
4. Although different to the application description set out in the Planning Statement that accompanied the application, the decision notice and appeal form describe the proposal as “Application for Lawful Development Certificate for Proposed Use to confirm the extent of the residential curtilage of the property”. However, curtilage is a term derived from conveyancing law, which defines an area of land associated with a building and is not a use of land. As such it cannot be specifically defined as such by means of a certificate of lawfulness under Section 192 of the 1990 Act.
5. The Government’s National Planning Policy Guidance (PPG) sets out that an application for a certificate of lawfulness needs to describe precisely what is being applied for, and that without sufficient or precise information, a local planning

authority may be justified in refusing a certificate. It continues to state that in the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved.

6. I have not been provided with any plans or specific details of any proposed use of any existing buildings, or of any proposed new buildings or operational works, showing their proposed size or location. Should the appellant wish to establish the lawful use of any existing building on the site, or to establish that any proposed alterations to a particular building or its use would not constitute development requiring an application for full planning permission, then the onus is on them to provide clear and precise evidence to support that. Likewise, it must be demonstrated why any proposed new buildings or operations would not require planning permission. In its current form, the appeal does not contain sufficient information, describing the proposed use or operations in question, to enable the proposal to be considered under Section 192 of the 1990 Act.

Conclusion

7. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful development for any proposed use of buildings, land and operations, which comply with and fall within the restrictions of Class E of the GPDO, anywhere on the land, was well-founded and the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

R Bartlett

INSPECTOR