
Appeal Decision

Site visit made on 1 August 2014

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

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 August 2014

Appeal Ref: APP/P2365/X/14/2216414

7 Church Road, Rufford, Ormskirk L40 1TA

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr J Rothwell against the decision of West Lancashire Borough Council.
 - The application Ref 2014/0042/LDC, dated 14 January 2014, was refused by notice dated 14 March 2014.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is use of land as residential curtilage.
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Decision

1. No decision can be made in this case.

Reasons

2. The application for an LDC for use of land as residential curtilage was accepted and determined by the Council. Curtilage is not a use of land but a description of land that is associated with a building, and which normally serves the purpose of the building in some reasonably necessary or useful manner. Residential curtilage is not a planning use defined by the Use Classes Order 1987 and is only an area where certain categories of development are permitted under the Town and Country Planning (General Permitted Development) Order 1995, which provides no formal definition of the meaning of 'curtilage'.
3. As the application before me is for neither a defined use nor for operational development, it is invalid. It is therefore not possible to either issue or refuse to issue an LDC for 'the use of land as residential curtilage'. Consequently, no decision can be made in this case.
4. The appellant could apply for an LDC for operational development on land that he considers is within the residential curtilage of the dwelling at 7 Church Road. If the Council disagrees with his claim and refuses to issue the certificate, then he has the option of appealing against that decision.

John Braithwaite

Inspector