

**PLANNING
COMMITTEE**

22nd October 2026

Application **23/01237/CPE**

Revocation of Lawful Development Certificate for the residential curtilage as outlined on the accompanying drawings for residential use, C3 - dwelling houses.

6 Moors Lane, Feckenham, Worcestershire, B96 6JH.

Applicant: Mr & Ms S & A Gregory & Johnson
Ward: Astwood Bank And Feckenham Ward

(see additional papers for site plan)

The case officer of this application is Emily Darby, Planning Officer (DM), who can be contacted on Tel: 01527 881657 Email: emily.darby@bromsgroveandredditch.gov.uk for more information.

Site Description

The application site is located to the west of Moors Lane, close to its junction with Alcester Road (B4090), to the north in Feckenham. The dwelling sits in a small run of properties known as Nos. 2, 4, 6 and 8 Moors Lane. The area forming the subject of the certificate comprises an irregularly shaped parcel extending westwards from Moors Lane behind Nos. 4 and 6, together with the wider land to the rear of No. 6.

Proposal Description

The proposal is to revoke the Certificate of Lawfulness Existing Use or Development ("the Certificate") granted on 1 May 2024 under application reference 23/01237/CPE. The Certificate confirmed the use of the land shown on the accompanying drawings as residential curtilage in association with a dwellinghouse (Use Class C3).

Revocation is proposed because the sworn affidavit submitted in support of the application contained a factual error concerning ownership of the land. Although the error does not affect the planning assessment of the lawful use, revocation is necessary to ensure that the documentation underpinning the Certificate and the Council's formal records are accurate.

A replacement Certificate of Lawfulness of Existing Use or Development ("CLEUD") for the same residential curtilage use was subsequently approved on 1 October 2026 under application reference 26/00959/CPE, following the applicants' purchase of the land referred to in the affidavit.

Relevant Policies :

Town and Country Planning Act 1990:

- Section 191 – Certificate of lawfulness of existing use or development.

PLANNING COMMITTEE

- Section 193(7) – Power to revoke a certificate where a statement was made or document used which was false in a material particular, or where material information was withheld.

Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended):

- Article 39 – Certificate of lawful use or development, including the notification and representation procedure for a proposed revocation.

Relevant Planning History

23/01237/CPE	Lawful development application for the residential curtilage as outlined on the accompanying drawings for residential use, C3 - dwelling houses.	Approved (subject to this Revocation)	01.05.2024
26/00959/CPE	Lawful development application for the residential curtilage as outlined on the accompanying drawings for residential use, C3 - dwelling houses.	Approved	01.10.2026

Consultations

Consultation letters were sent to the owner, Feckenham Parish Council, the neighbour, and the local resident who commented on the original certificate application, as interested parties. No comments were received in response to the consultation.

Assessment of Proposal

BACKGROUND:

The assessment of applications for Lawful Development Certificates depends on the accuracy and completeness of the information supplied by the applicant. In this case, an application for a CLEUD was submitted in respect of 6 Moors Lane, Feckenham, Worcestershire B96 6JH. The application was approved by Redditch Borough Council on 1 May 2024 under reference 23/01237/CPE.

Since the issuing of the Certificate, it has been identified that the sworn affidavit submitted in support of the application contained a factual error relating to land ownership. The Certificate decision and the report on which it was based are attached as Appendix 1.

Although land ownership is not a planning matter and does not affect the planning judgment reached on the lawful use of the land, the Certificate was determined by reference to documentation that contained an acknowledged factual error. It is therefore

PLANNING COMMITTEE

necessary to revoke the Certificate so that the documentation on which the decision relies can be corrected.

A new application for a CLEUD has since been approved on 1st October 2026 under reference 26/00959/CPE, following the applicants' purchase of the land referred to in the sworn affidavit. The replacement certificate decision and the report on which it was based are attached as Appendix 2.

REVOCATION MERITS AND PROCESS

The reason for revocation is limited to the factual error in the sworn affidavit concerning land ownership. The error does not alter the planning assessment of the lawful use of the land; however, the documentation relied upon in determining the Certificate must be accurate. Revocation is therefore considered necessary to allow the error to be corrected and the matter to be regularised.

If the Certificate is not revoked, the Council's records would continue to rely on a sworn affidavit containing an error in respect of land ownership. While that error is not material to the planning merits of the lawful use, it is appropriate for the formal record to be corrected.

The Certificate was issued under section 191 of the Town and Country Planning Act 1990. The power to revoke it is contained in section 193(7) of that Act and arises only where, on the application for the certificate, a statement was made or a document used which was false in a material particular, or material information was withheld. The applicable procedural provisions are in Article 39 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (SI 2015/595), as amended.

- This requires written notice of the proposed revocation to be given to the owner, the occupier and any other person who, in the local planning authority's opinion, will be affected by the revocation.
- All those served with a notice must be given 14 days to make representations on the proposal to the local authority.
- Final notice of any revocation must be given to those notified.

There is no statutory right of appeal to the Secretary of State against a local planning authority's decision to revoke a certificate under section 193(7) of the Town and Country Planning Act 1990. The lawfulness of the revocation decision may, however, be challenged by a claim for judicial review in the High Court.

CONCLUSION

The Certificate should be revoked for the specific purpose of correcting the factual error in the sworn affidavit relating to land ownership. This does not change the planning assessment of the lawful use of the land, but ensures that the documentation underpinning the Certificate is accurate and the Council's records are regularised.

PLANNING COMMITTEE

RECOMMENDATION

That the Certificate of Lawfulness Existing Use or Development issued under application reference 23/01237/CPE be **REVOKED**.

Procedural matters

This matter is being reported to the Planning Committee because the power to revoke is a function that falls outside the scheme of delegation to Officers.