Development Management, Economic Development and Planning,
County Hall, Bythesea Road, Trowbridge, BA14 8JN
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Wiltshire Council

Application for a Lawful Development Certificate for an Existing Use or Operation or Activity, including those in breach of a planning condition

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Hazelcombe

Address Line 1

Silver Street Lane

Address Line 2

Address Line 3

Wiltshire

Town/city

Brokerswood

Postcode

BA13 4EY

Description of site location must be completed if postcode is not known:

Easting (x)

383590

Northing (y)

152425

Description

Applicant Details

Name/Company

Title

Mr & Mrs

First name

D

Surname

Berry

Company Name

Address

Address line 1

c/o Brimble Lea

Address line 2

Unit 3 Kingsmead Business Park

Address line 3

Shaftesbury Road

Town/City

Gillingham

County

Dorset

Country

United Kingdom

Postcode

SP8 5FB

Are you an agent acting on behalf of the applicant?

- [x] Yes
- [ ] No

Contact Details

Primary number

***** REDACTED ******

Secondary number

Fax number

Email address

***** REDACTED ******

Agent Details

Name/Company

Title

Mrs

First name

Janet

Surname

Montgomery

Company Name

Brimble Lea

Address

Address line 1

Unit 3 Kingsmead Business Park

Address line 2

Shaftesbury Road

Address line 3

Town/City

Gillingham

County

Dorset

Country

Postcode

SP8 5FB

Contact Details

Primary number

***** REDACTED ******

Secondary number

Fax number

Email address

***** REDACTED ******

Reason for Lawful Development Certificate

Please indicate why you are applying for a lawful development certificate

- ◯ An existing use
- ◯ Existing building works
- ⊘ An existing use, building work or activity in breach of a condition

Being a use, building works or activity which is still going on at the date of this application.

If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please select the relevant Use Class.

C3 - Dwellinghouses

Please note that following changes to Use Classes on 1 September 2020: The list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. View more details on Use Classes.

Description of Existing Use, Building Works or Activity

Please fully describe each existing use, building works or activity for which you want the lawful development certificate. Where appropriate, show to which part of the land each use, building works or activity relates

Use of dwellinghouse without any occupational restriction.

Grounds for application for a Lawful Development Certificate

Under what grounds is the certificate being sought

- ☑ The use began more than 10 years before the date of this application
- ☐ The use, building works or activity in breach of condition began more than 10 years before the date of this application
- ☐ The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- ☑ The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- ☑ The use as a single dwelling house began more than four years before the date of this application
- ☐ Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation?

- [x] Yes
- [ ] No

Reference number

A/4188

Condition number

3

Date (must be pre-application submission)

21/03/1966

Please state why a Lawful Development Certificate should be granted

A planning application was submitted for the erection of a forest worker's dwelling at Hazel Wood, North Bradley on 2/11/65. The only records that we are aware of in connection with this is an Officer of the Council's report recommending a delegated planning permission to be granted (see report attached). The Council are not able to produce a copy of any planning permission and the Applicants have never seen a planning certificate. The land was owned by Mr Phillips, and on his death the land was transferred to his two daughters, one of whom is the Applicant for the Certificate of Lawful Use. The bungalow was constructed in accordance with the description on the application form which was a Woolaway bungalow and was lived in by a Mr Little until his death and is now occupied by another tenant under an assured shorthold tenancy.

In the absence of any planning certificate, as there has been a dwelling on this land since 1966 both the bungalow itself and use as a dwellinghouse (C3) are immune from enforcement action through the 4 and 10 year rules respectively.

Even if a planning certificate does exist and conditions imposed in accordance with the Officer's report, the bungalow has been continuously occupied in breach of suggested condition 1 which requires occupation to be limited to an agricultural or forestry worker employed locally. The previous tenant, Mr Little, and the current occupier have never been employed in forestry or agriculture. A Statutory Declaration confirming this accompanies this application.

The property is in need of significant investment and possibly re-building. Before preparing plans for this, the Applicants need to have it confirmed that there are no restrictions on occupation of the dwelling and therefore a Certificate of Lawfulness is sought confirming unrestricted C3 use as a dwellinghouse.

Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

01-12-1966

In the case of an existing use or activity in breach of conditions has there been any interruption?

- [ ] Yes
- [x] No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?

- [ ] Yes
- [x] No

Residential Information

Does the application for a certificate relate to a residential use where the number of residential units has changed?

- [ ] Yes
- [x] No

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- [x] Yes
- [ ] No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- [x] The agent
- [ ] The applicant
- [ ] Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- [ ] Yes
- [x] No

Interest in the Land

Please state the applicant's interest in the land

- [x] Owner
- [ ] Lessee
- [ ] Occupier
- [ ] Other

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:
(a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- [ ] Yes
- [x] No

Declaration

I/We hereby apply for Lawful development: Existing use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.
I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.
I/We also accept that, in accordance with the Planning Portal's terms and conditions:
- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☑ I / We agree to the outlined declaration

Signed

Janet Montgomery

Date

31/07/2023