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Our Ref: JM/LJ/22148

Your Ref:

Planning Team Leader
Development Services
Wiltshire Council
County Hall
Bythesea Road
Trowbridge
Wiltshire BA14 8JN

31 July 2023

Dear Sir

Re: **Application for a Certificate of Lawfulness of Use of Hazelcombe as an unrestricted C3 dwelling – on behalf of Mr and Mrs D Berry**

I submit the above application herewith, together with the following plans and documents:

1. Location Plan – Drawing No. 22148-1.
2. Statutory Declaration of Jill Heather Berry.
3. Officer's Delegated Report with reference to A/4188.

The land at Hazelcombe was owned by Mr Phillips, who was Mrs Berry's father, until his death in 2009, following which it was transferred to Mrs Berry and her sister, Mrs Capon.

The dwelling at Hazelcombe is of Woolaway construction and needs a significant amount of investment to bring it up to modern living standards albeit it is still occupied under an assured shorthold tenancy.

Ideally, the Applicants would like to re-build the property which would incorporate modern insulation requirements but, before doing so, wish to establish the underlying basis of the property.

We have made enquiries of Wiltshire Council and all that could be found at the Council's offices is an Officer's Delegated Report relating to an application for a forest worker's dwelling – reference number A/4188. A copy of the Officer's Report is attached within the documentation.

No planning permission, however, seems to exist for the property and, therefore, this application is submitted on the basis that, in the absence of any planning consent, the property has been built and lived in for a period in excess of 10 years and, therefore, both the 4 year (building works) and 10 year (use) period of immunity has long past and hence a certificate should be granted for the use of Hazelcombe as a dwelling.

The Officer's Report does however refer to an advised condition to be imposed on any approval. That condition has been drafted as follows:

"The occupation of the cottage shall be limited to persons employed locally in agriculture as defined in Section 221(1) of the Town and Country Planning Act 1962 or in forestry and the dependants of such persons."

On submission of the application, the Council may discover the existence of a planning consent, in which case this should be provided to the Applicants. To cover this eventuality, however, my clients have in any event prepared a Statutory Declaration confirming that the occupation of Hazelcombe has never complied with the forestry or agricultural condition and, therefore, the use can continue as an unrestricted occupation dwellinghouse.

We trust that a Certificate of Lawfulness will be granted, in order that the Applicants can go forward confidently with a planning application for a replacement dwelling but, should you require any further information, please revert to me.

Yours sincerely

Janet Montgomery

Janet Montgomery BSc, MRICS, MRTPI
Planning Consultant
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