Wiltshire Council

TOWN & COUNTRY PLANNING ACT 1990:
SECTION 191 (as amended by Section 10 of the Planning & Compensation Act 1991)

Certificate of Lawful Use or Development - Existing Use or Development

Application Reference Number: PL/2023/03636
Decision Date: 17th August 2023

Applicant: Rachel Boase
co Agent

Particulars of Development: - Use of the yoga barn as a single dwelling house

At: The Yoga Barn, 88 Ridge, Chilmark, SP3 5BS

Wiltshire Council hereby certify that on 03 July 2023 the operations described in the First Schedule to this Certificate in respect of the land specified in the Second Schedule to this Certificate and edged red on the plan attached to this certificate would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) for the following reasons:

Taking into consideration the evidence put forward by the applicant in support of their application, and weighing this against any available contrary evidence held by or submitted to the Council, it is considered the applicant has adequately demonstrated, clearly and precisely on the balance of probabilities, that the existing building is lawful; and the lawful use of the building is as a separate self contained residential dwelling (Use Class C3). This use has been ongoing for more than 4 years. As such in accordance with Section 171 B (1) and (2) of the Town and Country Planning Act 1990, the time limit for taking enforcement action had expired

SCHEDULE 1: Use of the yoga barn as a single dwelling house

SCHEDULE 2: The Yoga Barn, 88 Ridge, Chilmark, SP3 5BS

Signed
Parvis Khansari - **Corporate Director, Place**

Notes -

1. This Certificate is issued solely for the purpose of Section 191 of the Town & Country Planning Act 1990 (as amended).

2. It certifies that the use or development specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful on the specified date and thus would not have been liable to enforcement action under Section 172 of the 1990 Act on that date.

3. This Certificate applies only to the extent of the proposed use or development described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use or development which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

4. The effect of the Certificate is also qualified by the proviso in Section 192 (4) of the 1990 Act, as amended. This states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change before the use is instituted or the operations begun in any manner relevant to determining such lawfulness.