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/2023/06242
Decision Date: 18 September 2023

Applicant: Mr Mike Smith
42 High Street, Corsham, Wiltshire, UK, SN13 0HF

Particulars of Development: - Certificate of lawfulness for confirmation that the planning permission 18/06537/FUL is extant.

At: Land to the rear of 42 High Street, Corsham, SN13 0HF

Wiltshire Council hereby certify that on 25 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:

The evidence provided in support of the applicant's claim and that is available to the LPA is considered to be sufficiently unambiguous, precise and factual to demonstrate that, on the balance of probability, a material operation within s56 of the Town and County Planning Act 1990 (the laying of foundations and a floor slab) was comprised in the development permitted by the planning permission 18/06537/FUL and took place within 3 years of the grant of permission.

Notwithstanding that there is a breach of conditions 6, 7, 9, 10, 15 & 16, the LPA is satisfied that the permission has been implemented and remains extant. A Lawful Development Certificate can be granted on that basis.

SCHEDULE 1: Certificate of lawfulness for confirmation that the planning permission 18/06537/FUL is extant.

SCHEDULE 2: Land to the rear of 42 High Street, Corsham, SN13 0HF

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.