Application for Certificate of Lawful existing use

RE: 2 Fir Tree Villas, Lanhill, Chippenham, Wiltshire, SN14 6LX.
Planning Reference PL/2023/08415

2 Fir Tree Villas, Lanhill, Chippenham was granted consent, together with the adjoining property, 1 Fir Tree Villas, Lanhill, Chippenham on 21 October 1949. That consent was granted subject to an agricultural occupancy condition which stated that:-

“the building to which this permission relates to be used and/or occupied only be agricultural workers or their dependents as defined by Section 119 (1) of The Town and Country Planning Act 1947”.

The applicant, Mrs Janice Parker moved into 2 Fir Tree Villas and has never been employed in agriculture. Mrs Parker remains in occupation of the property to this date and remains not employed in agriculture. A Statutory Declaration has been submitted in support of the application from the applicant confirming her continuous occupation of 2 Fir Tree Villas and confirming that the occupation has been in breach of the agricultural occupancy condition.

The agricultural occupancy condition has therefore been breached continuously for a period exceeding 10 years at the point of the application and is now unenforceable.

Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum and should only be used when they satisfy the test set out in paragraph 55.

It is therefore considered that the condition attached to the 1949 permission is no longer necessary or enforceable as it fails to meet the tests set out under paragraph 55 and the granting of the Certificate of existing use would accord with the National Planning Policy Framework