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/2023/08130
Decision Date: 05 December 2023

Applicant: Mr and Mrs Williams
Kings Croft, Weston Lane, Winterslow, Salisbury, SP5 1RY

Particulars of Development: - Certificate of Lawfulness for alterations to the outbuilding/annexe

At: Old Manor House, The Street, West Winterslow, Salisbury, Wilts, SP5 1RY

Wiltshire Council hereby certify that on 04 October 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 application would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) for the following reasons:

On the balance of probabilities the garage and accommodation over, which is used ancillary to the use of the main dwelling as a single residential property, was not constructed in accordance with the plans approved under ref. no. 13/06329/FUL, and that the works were finished in their current configuration more than four years from the submission of this application on 21st September 2023. The evidence from the Council's Building Regulations Files and Enforcement Files confirm that the building was complete in August 2019, and therefore the development is immune from enforcement action in accordance with Section 191B of the Town and Country Planning Act 1990 (as amended)

SCHEDULE 1: Certificate of Lawfulness for alterations to the outbuilding/annexe used ancillary to the main dwelling known as Old Manor House, The Street, West Winterslow, Salisbury, Wilts, SP5 1RY

SCHEDULE 2: Old Manor House, The Street, West Winterslow, Salisbury, Wilts, SP5 1RY

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.