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/2023/07011
Decision Date: 7th December 2023

Applicant: Mr C Woodford
Oakley Farm, Dinton, SP3 5EU

Particulars of Development: - Lawful Development Certificate for non-compliance with Agricultural Occupancy Condition 4 of Planning Permission Ref S/89/1073/TP

At: Moor Croft Bungalow, Oakley Farm, Dinton, Salisbury, Wilts, SP3 5EU

Wiltshire Council hereby certify that on 08 September 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 Moor Croft Bungalow has been occupied in breach of the restrictive occupancy condition attached to the original permission (under ref: S/1989/1073), continuously and for a period in excess of 10 years. As such, in accordance with Section 171 B (3) of the Town and Country Planning Act 1990, the time limit for taking enforcement action has expired.

SCHEDULE 1: Lawful Development Certificate for non-compliance with Agricultural Occupancy Condition 4 of Planning Permission Ref S/89/1073/TP

SCHEDULE 2: Moor Croft Bungalow, Oakley Farm, Dinton, SP3 5EU

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.