Wiltshire Council

The Town and Country Planning Act 1990

Certificate of Lawful Use or Development - Existing Use or Development

Application Reference Number: PL/2023/09031

Decision Date: 12 December 2023

Applicant:	Mr John Stokes Lowerfields Farm, Bystone Lane, Coate, Devizes, Wiltshire, SN10 3RQ
Particulars of Development:	Certificate of lawfulness for use of property as residential dwelling without compliance with the Agricultural Occupancy Condition imposed on Planning Consent K/77/0642
At:	Hollans, Coate, Devizes, Wilts, SN10 3LQ

Wiltshire Council hereby certify that on the operative date shown below 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 (contained in the informative):

Conditions: (1)

1 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, on the balance of probabilities that, at the time of the application, the dwelling known as Hollans House has been occupied in breach of condition 02 (agricultural occupation) of planning permission K/77/0642 for a continuous period of over ten years and under the provisions of s.191(3) of the Town and Country Planning Act. 1990 (as amended) the breach of condition is lawful.

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.