5th December 2023

Development Management
Wiltshire Council
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

R23-080

Dear Sir/Madam

Applicant: **Mr and Mrs Thomas**
Site: **Bungalow to the rear of Glebelands Cottage, Mildenhall, Marlborough SN8 2LR**
Proposal: **S73 application to remove condition 2 pursuant to Planning Permission ref: K/037749**

This application is submitted under Section 73 of the Town and Country Planning Act 1990 in order to remove an unenforceable planning condition attached to the bungalow at the rear of Glebelands Cottage, Mildenhall, Marlborough SN8 2LR ('The Property').

Mr and Mrs Thomas purchased the property in 2018 as part of a wider site including Glebelands Cottage and land at the rear. The property has been used as an open market dwelling since 26th March 2007 in contravention of the occupancy condition which was imposed on the original consent for alterations to the building dated 2nd December 1999 (ref: K/037749). The consent approved the "Alterations to external elevations of existing garage and stable building" and condition 2 states:

"The development hereby permitted shall be used solely for purposes incidental to the enjoyment of the dwelling house known as 'Glebelands Cottage' as such and for no other purpose."

On 17th December 2014, a Certificate of Lawfulness was issued for the use of the bungalow as an independent dwelling with associated residential curtilage (ref: 14/10110/CLE). As such, a breach of the condition has been lawful since 2007. This application seeks removal of the occupancy condition on the grounds that it is no longer enforceable, reasonable or necessary.

Policy Background & Considerations

Both the National Planning Policy Guidance (NPPG) (Paragraph: 003 Reference ID: 21a-003-20190723) and the National Planning Policy Framework 2023 (NPPF) state that planning conditions should be kept to a minimum and only used where they satisfy the following tests:

1. Necessary;
2. Relevant to planning;
3. Relevant to the development permitted;
4. Enforceable;
5. Precise; and
6. Reasonable in all other respects.

As the Council is no longer able to enforce, and thereby require compliance with the aforementioned condition 2, it cannot meet all six tests; it no longer serves a useful purpose, and it should not be retained. I trust the above and the enclosed provide you with sufficient information to validate this application and to progress it towards determination. We look forward to receiving the planning permission within the statutory time period.

I trust that the above and enclosed are sufficient to register this application however if you require any further information, please do not hesitate to contact me.

Yours sincerely

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