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Mr Richard Hughes
Planning Team Leader - South
Wiltshire Council
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JQ

Our Ref: DC/LJ/20219

Your Ref:

6th December 2023

Dear Mr Hughes

Re: Application for a Lawful Development Certificate for an Existing Use or Operation or Activity including those in breach of a Planning Condition
Town and Country Planning Act 1990: Section 191 as amended by Section 10 of the Planning and Compensation Act 1991. Town and Country Planning (Development Management Procedure) (England) Order 2015
Use of Land and Buildings for Purposes Incidental to the Enjoyment of Bevisfield, Cow Drove, Chilmark, SP3 5AJ

I am instructed to lodge an Application under S.191(1)(a) for a Certificate of Lawfulness of Existing Use or Development in relation to the use of the area edged red on Drawing 20219-15 comprising a yard and 3 buildings.

The application is submitted electronically via The Planning Portal and comprises the following documents:

- CLEUD Application Form;
- Drawing 20219-13A - Location Plan at 1:1250 scale showing the land subject to the application edged red, the adjoining residential curtilage of Bevisfield edged green and other land within the Applicants' control edged blue;
- Drawing PS 21 152 - Site Survey at 1:200 scale showing the yard area and floor plans for the barns and stable.
- Statutory Declaration of Charles David Robert Wolseley Brinton.

The application fee of £578.00 plus £64 processing charge has been paid direct to the Planning Portal.

I would be grateful if the following information was considered in support of this application.

A Statutory Declaration is submitted with the application made by Mr Wolseley Brinton. He, along with his wife, own the dwelling 'Bevisfield', the adjacent courtyard of buildings and associated land as shown on drawing 20219-13A. It explains how the land and buildings edged red have been utilised since they purchased the property in October 2017.

The Statutory Declaration provides evidence of the use of each of the 3 buildings within the red line, comprising enclosed barn and open barn, erected following planning permission granted in 2006, and an earlier stable building that was already on site when the 2006 planning permission was granted.

The evidence supplied demonstrates that all 3 buildings and the associated yard area have been used solely for domestic purposes incidental to the enjoyment of the adjacent dwellinghouse known as Bevisfield for the requisite 10-year period – essentially comprising an extension of the residential curtilage to incorporate this area.

The Statutory Declaration also includes a statement made by the previous owner, Mr David Williams, in relation to an application that Mr and Mrs Wolseley Brinton made earlier in 2023. Within the statement he advised that as of 2012 he was not utilising the buildings and yard area for agricultural purposes – rather they were being used in a similar fashion to how they are now - for domestic storage and other purposes incidental to the enjoyment of the property known as Bevisfield, where he lived.

Section 171B of the Town and Country Planning Act 1990 (as amended) confirms that where the use of land or buildings has been undertaken continuously for a 10-year period up to the date of an application for a Certificate of Lawfulness being made, such use will be immune from any enforcement action.

It has been demonstrated, on the balance of probability, that the buildings and yard have been used solely for such domestic purposes, incidental to the enjoyment of the adjacent dwelling, continuously for in excess of the past 10 years. In such circumstances, under S.191(1)(a) this application for a Certificate of Lawfulness should be granted.

Should you require any further information or clarification, please do not hesitate to contact me.

I look forward to receiving the Certificate of Lawfulness within the statutory 8 week period.

Yours sincerely

Diccon Carpendale

Mr Diccon Carpendale
Brimble Lea