Wiltshire Council

The Town and Country Planning Act 1990

Refusal of Certificate of Lawful Use or Development - Existing Use or Development

Application Reference Number: PL/2023/07923

Decision Date: 18 January 2024

Applicant:	Mr & Mr J & P Brown C/O Woolley & Wallis
Particulars of Development:	Certificate of Lawfulness for the use of agricultural buildings for commercial use specifically B8/B2
At:	Buildings to the rear of 1 West View, Stockley, Calne, Wiltshire, SN11 0NP

Wiltshire Council hereby certify that this application for a Certificate is **REFUSED** for the following reason:

Refusal Reason(s):

1 The site known as 'Buildings to the rear of 1 West View, Stockley, Calne, Wiltshire, SN11 0NP' is considered to be one planning unit in mixed use. The evidence available suggests a number of planning control breaches relating to the use of Units 1 and 2, and the wider site throughout the claim period relevant to this application. These breaches have resulted a material changes of use affecting the mix of uses within the planning unit. The LPA considers that the mix of uses is unauthorised and liable to enforcement action. There is no continuous relevant period (10 years) to support the claims within the application upon which a Lawful Development Certificate could be granted.

In addition, the application does not include a precise description of the use being applied for and only seeks a to establish a mix of B8/B2 commercial use. A certificate cannot be granted for an undefined mixed or sui generis use.

The Council is not satisfied that the legal tests are met in relation to Units 1 & 2, or the planning unit to which they relate, and therefore, a Lawful Development Certificate cannot be granted.

Parvis Khansari - **Corporate Director, Place**

If the applicant is aggrieved by this decision an appeal may be lodged with the Secretary of State under the terms of Section 195 of the Town and Country Planning Act 1990. Appeals may be made on a form which is obtainable from the Planning Inspectorate via the Inspectorate website of Planning Portal –

www.planninginspectorate.gov.uk

www.planningportal.gov.uk/planning/appeals

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

A copy of the appeal documents should be sent direct to planningappeals@wiltshire.gov.uk.