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/2023/08175**
**Decision Date: 18 January 2024**

**Applicant:** Mr Shane Hayward
Hayward Pool, Bradford Leigh, Wiltshire, BA15 2RR

**Particulars of Development: - Certificate of Lawfulness for existing use of building as dwelling to include two side extensions**

**At: Hayward Pool, Bradford Leigh, Bradford on Avon, BA15 2RP**

Wiltshire Council hereby certify that on 25 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:

For a certificate of lawfulness to be issued the onus is on the applicant to provide evidence that, on the balance of probabilities, the change of use occurred not less than the time limit for immunity from enforcement action prescribed under Section 171B (Time Limits) of the Town and Country Planning Act 1990 (as amended), whereby the time limit for taking enforcement action had expired. In this case it is considered the council has insufficient evidence to contradict the evidence provided by the applicant. Therefore, on the balance of probabilities, it is considered the building, the subject of this application, was used for residential purposes and that the change of use occurred within the relevant time period for immunity from enforcement action.

SCHEDULE 1: Certificate of Lawfulness for existing use of building as dwelling to include two side extensions

SCHEDULE 2: Hayward Pool, Bradford Leigh, Bradford on Avon, BA15 2RP

**Signed**
*Parvis Khansari* - **Corporate Director, Place**

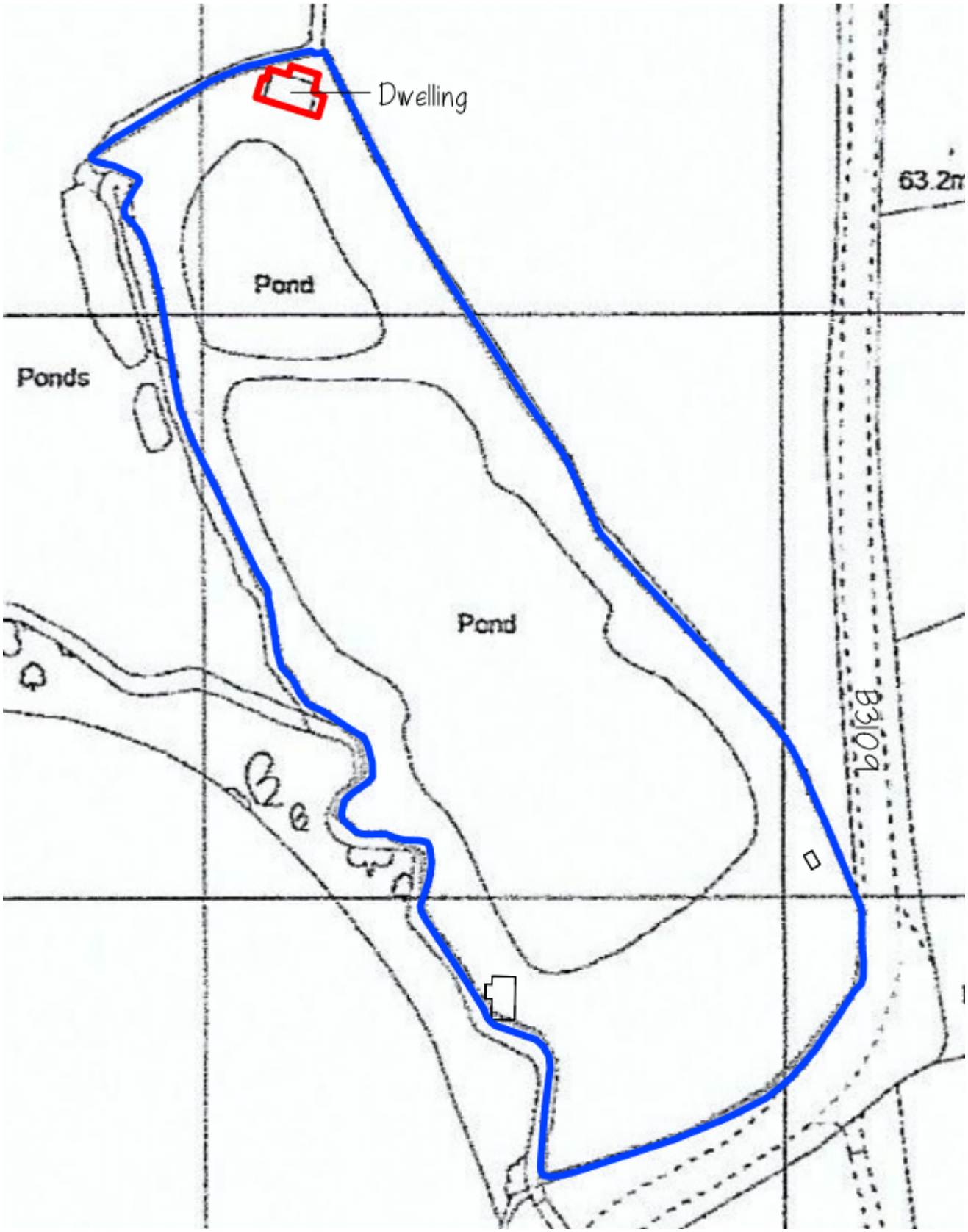
**Notes -**

**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.**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