From: sgraeserplanning@gmail.com < >
Sent: Thursday, January 11, 2024 3:57 PM
To: Jones, Becky <Becky.Jones@wiltshire.gov.uk>
Subject: PL/2023/09366 CLE for Coombe Hill, Middle Coombe, Donhead St Mary

Dear Becky,

Further to your e-mail of 8 January 2024 I have now had time to research the information I have available on file and trust the following will address the issues you have raised.

1. The 01-05-2005 date I gave on the application form for the commencement of the development is clearly a mistake of my own making and should be disregarded. Please accept my apologies.

   As you say the aerial images clearly show that the change of use occurred after that date.

   In my planning statement I state (at 3.2) that the 03-06-2006 aerial image shows the Original Garden Boundary and, (at 3.4), that this boundary had been moved some 4.5m to the north as shown on the aerial image of 08-10-2009.

   This fact is also confirms in the fourth bullet point on the Statutory Declaration, where the previous owner states that the change of use occurred between May 2005 and October 2009.

   I consider the evidence in the Planning Statement and the Statutory Declaration overrides the mistake I made on the application form.

   Whilst the precise date when the CoU occurred is unknown it must have occurred prior to the 08-10-2009 aerial as, in that image, the new boundary fence had been erected. If I specified any date prior to this it would be pure conjecture and could amount to false representation. On balance, therefore, I think it would be best if the date on the form was changed to 08-10-2009 as the facts confirm the CoU had occurred by that date.

2. In terms of your view that there is a 'gap' between the latest (01-06-2020) aerial image submitted with the application (Statutory Declaration Exhibit LD'E-B-3) and the present day I wish to comment as follows:

   The 2013 aerial image submitted with the application and the 2017 aerial image (Statutory Declaration Exhibit LD'E-B-3) shows the fence enclosing the Additional Garden Land starting (at its western end) from a point some 4.5m north of the access drive, running across the field to a point just north of a shrub inside of the eastern boundary fence. In doing so the fence encloses some more shrubs.

   On the 2024 Google aerial image reproduced below (which, I suggest, was taken in the Autumn of 2023 and which was not available when I submitted the application) I have added the approximate line of the former fence, which encloses the 3 remaining shrubs within the Additional Garden Land.



Whilst the Google 2024 aerial image appears to show similarities between the grass cutting within the field and within the Additional Garden Land I do not consider this to be conclusive, especially as such an image cannot be enlarged without losing the necessary definition to confirm or rebut any assertion that the grass sward is the same or is different.

The photograph below [taken by myself on 29 September 2023 from a point at the western end of the yellow line superimposed on the Google Aerial Image above and looking along the line towards the east] clearly shows the different (rough sward) grass within the field to the left of the photo and the tightly mown lawn of the Additional Garden Land north (left) of and surrounding the shrubs. This tightly mown area of lawn is the same as the 'authorised' lawn between the shrubs and the building in the centre right of the photo.



I am of the view that this photo confirms the continuous change of use of the Additional Garden Land over the 'gap' period from 01-06-2020 to the present day and confirms the statement made in the Statutory Declaration that the former owner has used the Additional Garden Land continually and un-interrupted incidental to the enjoyment of the dwellinghouse until he sold the property to the applicant on 26-10-2023.

In the Planning Statement (3.14-3.15) I confirm on behalf of the applicant that, since he took ownership of the property, he has also used the Additional Garden Land incidental to the enjoyment of the dwellinghouse.

I therefore contend that there has been continuous and un-interrupted use of the Additional Garden Land incidental to the enjoyment of the dwellinghouse since 08-10-2009 to the date of the application (30-10-2023) and that the land has been continuously used in this same manner since that date.

In my professional opinion, the combination of the information submitted with the application (in particular the statutory declaration) and the additional information provided in my 11 January e-mail proves, on the balance of probability, that the application land has been continuously used incidental to the enjoyment of the dwellinghouse for a period in excess of the 10 years needed to secure a Certificate of Lawful Use.

On the basis of the above I trust you will now be able to recommend approval of the application however, if you require any further information (such as the sales particulars, which I have not yet located) please let me know.

If you need the application form amended or any of the above information presented in a different way, please also let me know.

I look forward to hearing from you in the near future.

Take care and kind regards,

Steve

Stephen Graeser MA DipMS MRTPI
Independent Planning Consultant