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/2023/08091

Decision Date: 01 March 2024

Applicant:	Assura PLC 3 Barrington Road , Altrincham , WA14 1GY
Particulars of Development:	Certificate of Lawfulness to confirm commencement of development and implementation of planning permission 20/01057/FUL (Proposed medical centre with integral pharmacy, with associated development including means of access, access road, diagnostics/ambulance bay, car and cycle parking, bin storage area, and hard and soft landscaping)
At:	Land NW of Silver Street and south of Fynamore Gardens, Calne, Wilts

Wiltshire Council hereby certify that this application for a Certificate is hereby **REFUSED** for the following reasons (contained in the informative):

Refusal Reason(s): (1)

1 On the balance of probabilities, the development granted planning permission under 20/01057/FUL was not lawfully commenced because the material operations carried out on 26th February 2021 and 15th September 2023 were carried out in contravention of condition 18, which is a true condition precedent. This unlawful start cannot be cured through any exception to the so-called Whitley principle and accordingly, the application for a Certificate under s191 to The Act must be refused.

Informatives: (1)

2 No reference is made, or determination sought, by the application in respect of the later (and quite separate) permission granted under reference PL/2022/03372. This determination therefore confines itself to the lawfulness of development purported to have been carried out in respect of permission 20/01057/FUL.

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.