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/2023/07807
Decision Date: 21 March 2024

Applicant: Mr & Mrs Evans
c/o LPC (Trull) Ltd, Trull, Tetbury, Glos, GL8 8SQ

Particulars of Development: - Certificate of lawfulness for use of Groom's Flat as equestrian workers residential accommodation (use class C3) associated with the equestrian business at The Lodge Stables, Hoggington Lane, Southwick

At: The Lodge Stables, Hoggington Lane, Southwick, Wilts, BA14 9NR

Wiltshire Council hereby certify that on 13 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:

The National Planning Policy Guidance states that in the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability. Therefore, on the balance of probabilities it is considered the unit, the subject of this application, was used for ancillary residential purposes associated with the equestrian business operating on site and that the change of use occurred within the relevant time period for immunity from enforcement action.

SCHEDULE 1: Certificate of lawfulness for use of Groom's Flat as equestrian workers residential accommodation (use class C3) associated with the equestrian business at The Lodge Stables, Hoggington Lane, Southwick

SCHEDULE 2: The Lodge Stables, Hoggington Lane, Southwick, Wilts, BA14 9NR

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.

