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/2023/08700**
**Decision Date:**

**Applicant:** Mrs. N Hussey
c/o Agent, ., ., ., .

**Particulars of Development: - Application for a certificate of lawfulness relating to the use of a building as a single private dwelling house (Use Class C3)**

**At: THE OLD FARMYARD, ROCKLEY MANOR, ROCKLEY, MARLBOROUGH, SN8 1RT**

Wiltshire Council hereby certify that on 09 October 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:

Taking into consideration the evidence put forward by the applicant in support of their application, and weighing this against any available contrary evidence held by or submitted to the Council, it is considered the applicant has adequately demonstrated, on the balance of probabilities that, at the time of the application, the dwelling edged in red on submitted plan no. 230130-01 has been occupied for a continuous period of over four years and under the provisions of s.191(2) of the Town and Country Planning Act. 1990 (as amended) the use as a single dwellinghouse is lawful.

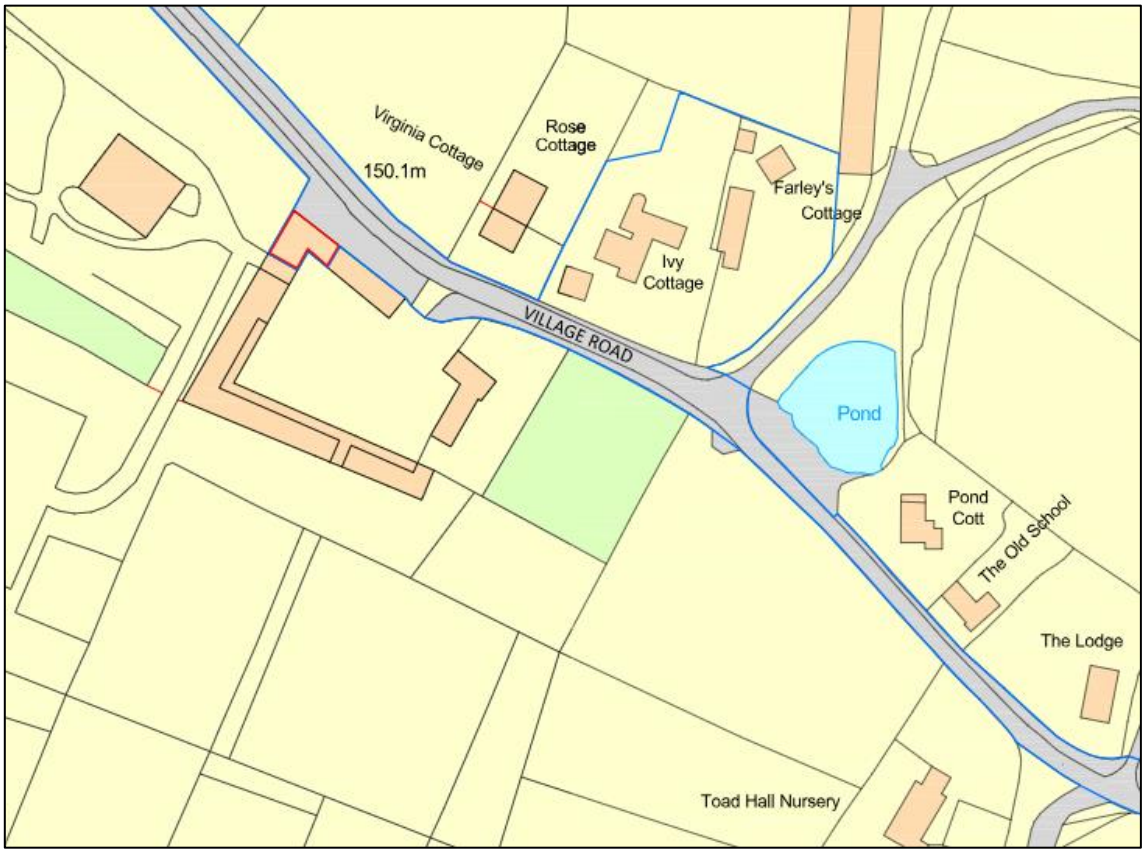
Informative note:

For the avoidance of doubt, the information submitted to the local planning authority is as follows:

- Application Form;
- Statutory Declaration of Nicola Hussey (previously Rickman) dated 4th October 2023 and Supporting Appendices;
- Email from Mark Petitt dated 9th March 2024 regarding the site history and implementation of works;
- Email from Mark Petitt dated 3rd June 2024 regarding the occupations of former tenants;
- Letter from Susan Heaney re: former occupation.

SCHEDULE 1: Application for a certificate of lawfulness relating to the use of a building as a single private dwelling house (Use Class C3)

SCHEDULE 2: THE OLD FARMYARD, ROCKLEY MANOR, ROCKLEY, MARLBOROUGH, SN8 1RT




**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.**