



Planning Statement in support of a Certificate of Lawful Use
relating to the holiday cottages known as
The Byers, 84 Westbrook, Bromham, Chippenham. SN15 2EE

Original application number K/86/0690 (approved)

Description of Development – Conversion of redundant farm building (Barn) into four holiday cottages.

Dated 20th November 1986



1 Executive Summary & Background

- 1.1 The application site is a former farm with a detached barn outbuilding.
- 1.2 In 1986 the then owners applied for planning permission to change the use from a detached barn outbuilding into 4 no' holiday cottages. This consent was never implemented as per the approved plans and approved description. Instead, the then owners converted the barn into three, slightly more spacious holiday cottages.

Fast forward nearly 40 years and, I understand, two owners later.

- 1.3 My clients, being the current owners and the proposed purchaser, who have exchanged contracts but are due to complete the purchase in August, whilst going through the conveyancing process with their respective solicitors discovered that technically the three holiday cottages known as the Byers do not have an accurate planning consent, as the approved plans for four units were never implemented or subsequently amended with the LPA,
- 1.4 In addition, a section 52 is mentioned within the approval documents, and we understand was signed by the then owners, however that related to the 4-unit scheme which was never implemented. Therefore unenforceable. In addition, section 52 agreements on ownership (personalised planning consents) of properties have now been amended within the LPA's latest policies and therefore would not now be a condition of approval.
- 1.5 The purpose of this application to the LPA now is to ensure that the barn has the necessary planning consent relating to the three holiday cottages that were created. A separate application for the removal of the Section 52 has already been lodged with the LPA, agreed by the LPA and the borough Solicitors have been instructed, and my client has paid their fees in full, to proceed to remove the Section 52 from the deeds via the land registry.



Westbrook Farmhouse	Mead Cottage	The Byers, holiday cottages
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The Byers, holiday cottages	Mead Cottage
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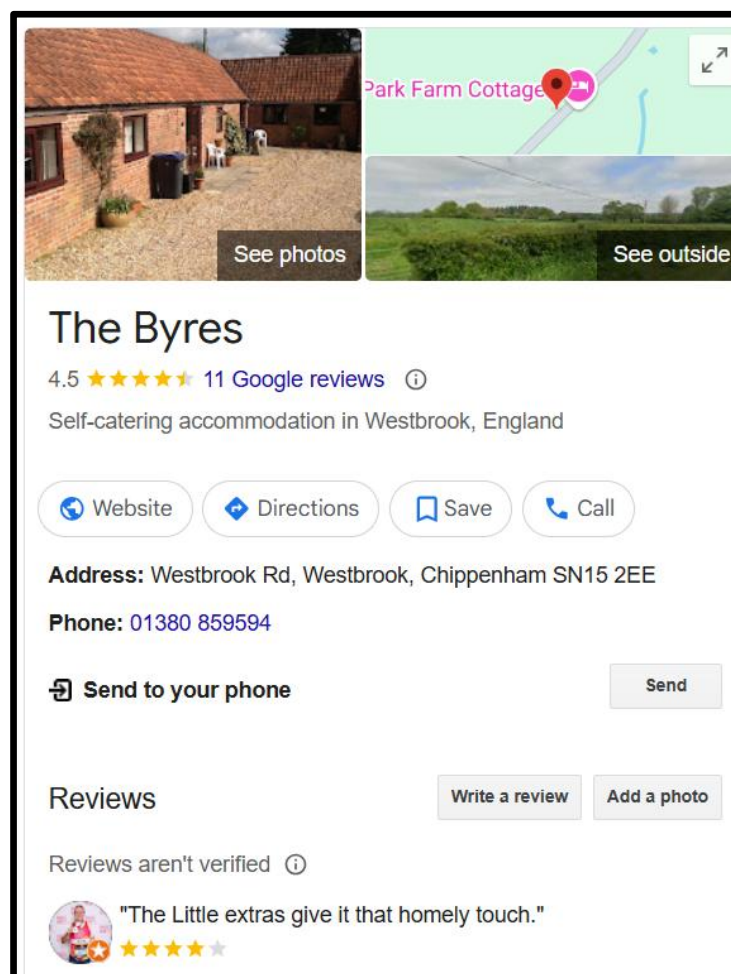
2 Proof of Use

- 2.1 Ordinarily an applicant and their planning agent would have to prove 'on the balance of probability' in a certificate of lawful use application.
- 2.2 In this case there is no argument with the council that the use has been anything but holiday cottages since the approval in 1986, albeit into three holiday cottages and not the four holiday cottages approved at that time.

Therefore the 'test' in this, particular, case is not one of use but one of quantity.

- 2.3 The holiday cottages were built in a configuration of three by the original applicant and not by the current owners. The current owners simply accepted that they were holiday cottages and rented them out as such.

Please see online advertisements below of the holiday cottages.





Yell

<https://www.yell.com> > biz > the-byres-chippenham-71... ⋮

[The Byres, Chippenham | Self Catering Holiday Accommodation](#)

The Byres. Call. **84 Westbrook, Bromham, Chippenham, Wiltshire, SN15 2EE**. [https ... West](#). Show more. Self Catering Holiday Accommodation in Colwyn Bay · Self ...



nextdoor.co.uk

<https://nextdoor.co.uk> > pages > the-byres ⋮

[The Byres - Bromham](#)

The Byres. **84 Westbrook. Bromham. SN15 2EE**. GB. +441380850557. 51.3863611. -2.0696271. Hotel. Cottage/Cabin. Vacation home rental. Nextdoor. About · News ...
Missing: [wiltshire](#) | Show results with: [wiltshire](#)



Dog Friendly Cottages

<https://www.dogfriendlycottages.co.uk> > south-west > c... ⋮

[The Byre, Chippenham, Wiltshire](#)

The Byre is a picture-perfect cottage providing an idyllic backdrop for you and your four-legged friends on your next adventure in Wiltshire.



Scoot.co.uk

<https://www.scoot.co.uk> > England > The-Byres-DKBS875 ⋮

[The Byres, Holidays \(Self Catering\) In Chippenham](#)

Westbrook Bromham Chippenham Wiltshire SN15 2EE. Show map. Show me directions to The Byres. Contact Numbers. 01380 8... 01380 850557. Reviews. Reviews. Reviews.



The Holiday Cottages

<https://theholidaycottages.co.uk> > showDetails ⋮

[The Byres, Bromham, Wiltshire ,](#)

2.4 With the above advertising in mind I do not think that there is any doubt that the cottages have been available to rent as holiday cottages for many years on many platforms.

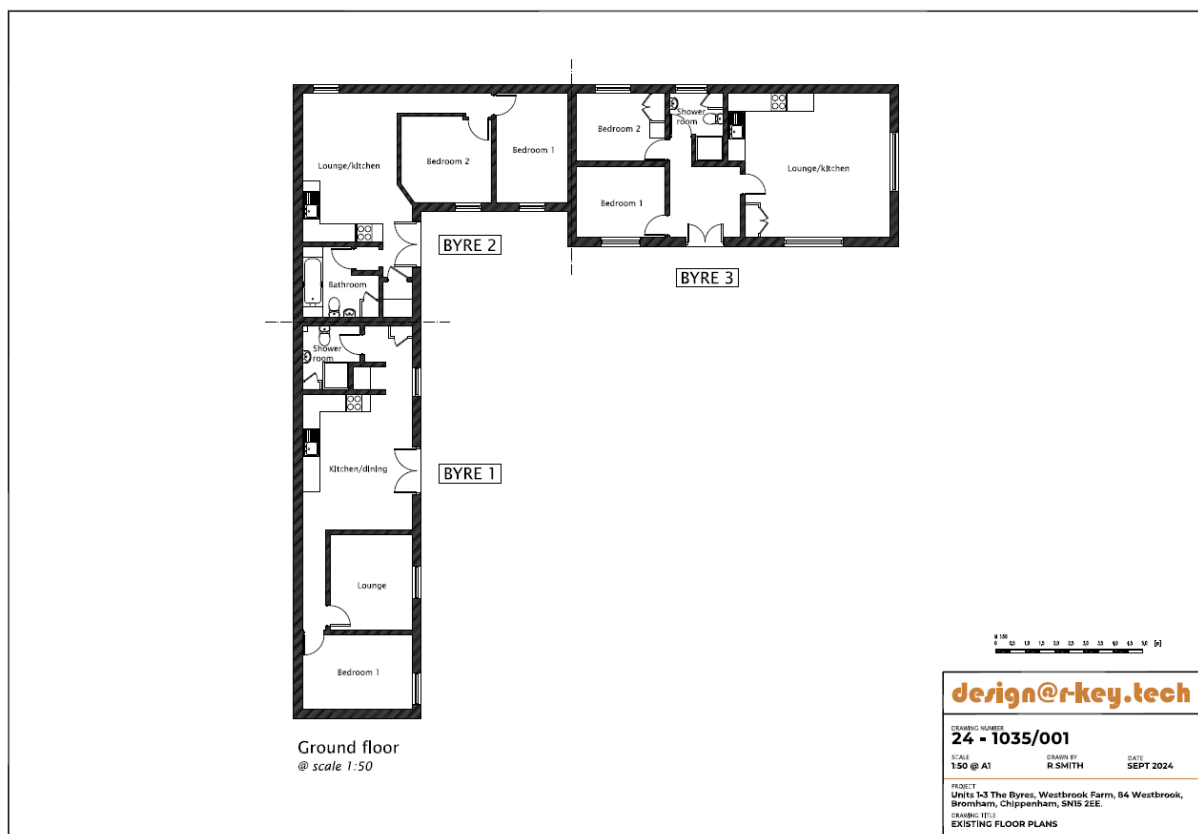
2.5 In addition to the above the properties are commercially rated and also carry business insurance.

- **Business rates ref 4001 5483 0006**
- **property ref NO3778 72008 4010 (description) self-catering holiday units**

3 Quantity of Units

- 3.1 As previously stated the original applicant applied to convert the barn into four holiday cottages and that was approved in 1986.
- 3.2 The original applicant sometime after the approval notice was issued in either 1986 or 1987 chose to take it upon themselves to create three slightly larger holiday cottages rather than the four holiday cottage configuration that was approved.

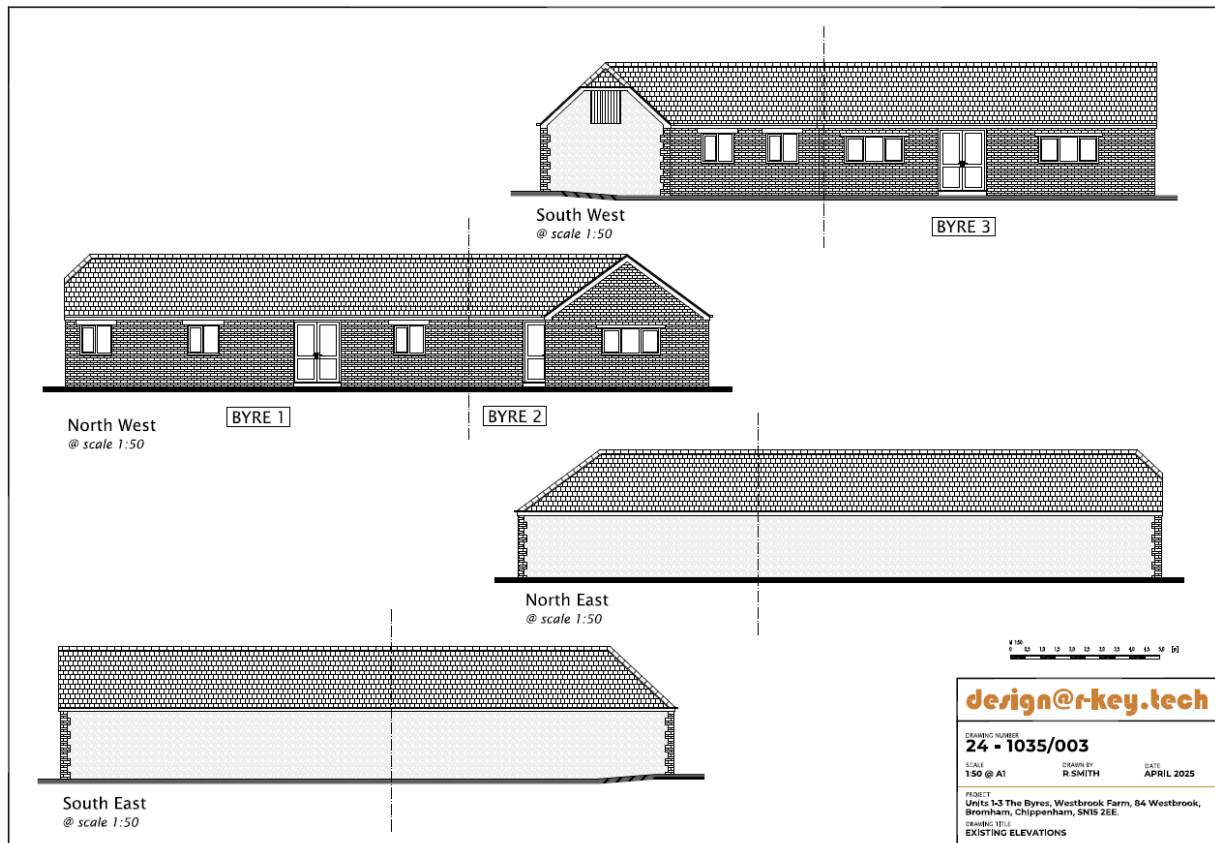
The, as built, layout is shown below



- 3.3 We do not believe the elevations changed in any way from the approval, however an opening position may have changed, but given the historic nature of this conversion, some 40 years ago, we cannot be sure.

- 3.4 What we are sure about is during Mr & Mrs Lukes purchase and ownership of the holiday cottage complex no structural, layout or elevation changes have occurred; therefore, the elevations and floor plans as supplied have been in existence for decades.

The elevations are shown below



4 Conclusion

- 4.1 An approval in 1986 was issued
- 4.2 Sometime in 1986 or 1987, the then owners decided to change the layout without permission to that of the three-unit scheme as built and in existence ever since.
- 4.3 There is and can be no argument that the use through all of the decades is that of holiday cottages. The online advertisements back this up shown in section 2 of this report. In addition, the holiday cottages are rated commercially as such and carry business insurance.
- 4.4 Neither the LPA, the current owners or the prospective owners have any concerns that the change to three units rather than the four-unit scheme approved in 1986 is anything but genuine and happened circa 40 years ago.
- 4.5 As previously mentioned an application to remove the Section 52 has already been lodged, agreed and the Borough Solicitors instructed and paid in full by my client to remove the S52 from the deeds at the land registry.
- 4.6 It is with all of this in mind that the current and prospective owners are now, rightly, applying for a certificate of lawful use to confirm that the development comprises of three holiday cottages as shown.