

PROPOSED APPLICATION FOR A CERTIFICATE OF LAWFUL EXISTING USE FOR THE CHANGE OF USE OF ANNEX TO RESIDENTIAL DWELLING.

THE STUDIO, HEYTESBURY MILL, PARK LANE, HEYTESBURY, WARMINSTER, WILTSHIRE. BA12 0HE

MR. M. LIPINGTON.

INTRODUCTION

This is the application statement of relevant facts regarding the proposed application for a certificate of lawful use for the change of use of the ancillary annex into and independent dwelling unit at Heytesbury Mill, Heytesbury.

This application has been prepared and submitted on the basis that the annex has been consistently occupied as a separate dwelling unit for, in excess of, 10 years. This statement will provide unequivocal evidence of this consistent use during that period in the form of contracts, income tax statements, bank statements, invoices and letters.

RELEVANT PLANNING HISTORY

Full Planning Permission (ref. W97/1077) was granted to Mr. J. Hornby-Smith on the 8/01/1998 for ' Demolish Barn and Construct Double Garage with Studio above and access from Mill Lane ' at the above address.

This permission was subject to three conditions :-

1. In order to define its terms, this permission shall relate to the revised plan received by the West Wiltshire District Council on the 18/11/1997.
2. In order to define the terms of this permission and retain control to the Local Planning Authority over any future use of the development, the building hereby authorised shall be used purely for garaging and non-residential uses ancillary to the domestic use of Heytesbury Mill and for no other purpose. The building shall not be sold, let or otherwise disposed of separately from Heytesbury Mill.
3. To ensure visual harmony with the surroundings of the development a sample of the materials to be used in the external walls and roof of the development shall be submitted to and approved by the Local Planning Authority before any work is commenced.

No Section 106 was signed by the applicant and West Wiltshire District Council.

Unfortunately neither West Wiltshire District Council or the current owners are in possession of the approved drawing.

The current owner moved into Heytesbury Mill in 1999 and the studio/annex was constructed in 2001

ANNEX OCCUPANCY

Following completion of the garage/studio/annex the building was used as a vehicle garage on the ground floor with the usual residential paraphernalia and an arts and crafts studio on the first floor.

Throughout the period 2001 to 2013 the first floor was also used as a home office, storage and occasional residential accommodation. Within this period the ground floor was separated by the formation of a room at the far end.

A current floor plans and elevational drawing is attached for information and clarity together with a copy of the original Planning Consent within appendix A

Around this time the first floor was under utilised and, as a family friend was looking for accommodation in the village, it was decided to offer her the use of the studio and she moved in on the second of January 2014. Prior to occupation a rental agreement was prepared and duly signed by both parties on second of January 2014 and a copy of that agreement can be found within appendix B.

The above agreement sets out periods of notice, inclusions and omissions and it should be noted that the rent includes oil central heating, electricity, council tax and water rates. Consequently there are no specific utility bills directly attributable to the studio and Mrs. S. Bond.

Mrs. S. Bond has resided at the studio from 2nd January 2014 continuously until the present date of 10th October 2025 which is 11 years and 10 months.

Regular monthly payments were made directly into Mr. Lipingtons Nationwide Building Society account which have increased from the initial £500 up to the current payment of £600.

These payments are summarised below but are also highlighted on a monthly basis on the attached Nationwide Statements within appendix C. These statements are obviously confidential and for perusal by the Planning Case Officer only and not for public consumption.

2014	
2015	
2016	
2017	
2018	
2019	
2020	
2021	
2022	
2023	
2024	
2025	

to date.

The above summary of payments is also supported by extracts from Mr. Lipingtons Tax Computation Reports from 2014/15 up to 2025/25 which identify rental payments for the studio as Rent A Room at Heytesbury Mill (dated top left hand corner). The extracts can be found within appendix D and the full reports can be made available if required. Again, these details are highly confidential and for perusal by the Planning Case Officer only and not for public consumption.

FURTHER CORROBORATIVE EVIDENCE

Attached within appendix E are a number of personal documents addressed to Mr. S Bond confirming her place of residence to be, and has been, The Studio, Heytesbury Mill. These letters include :-

Ikea home card confirmation of change of addressed.
Disclosure and Barring Service Certificate.
British Telecom account set up.
Domestic and General policy confirmation.
NS&I premium bonds confirmation.
NHS Covid Pass confirmation.
HMRC National Insurance.
Kings Court Trust admin letter.
The Orchard Partnership Surgery patient record.
Wiltshire Council electoral roll request (recognition of separate dwelling)

CERTIFICATE OF LAWFUL EXISTING USE OR DEVELOPMENT

This is a legal document issued by the Local Authority to regularise unauthorised development and prevent enforcement action being taken by the Council against any breach of Planning Policy or Conditions.

As this particular application is for the breach of Planning Condition 2 on Planning Consent reference W97/1077 a minimum period of ten years is required for all documentary evidence justifying the certificate and its approval.

We have provided evidence that the studio/garage was granted Planning Consent in 1997 together with documentary evidence in the form of rental payments and tenancy agreement spanning from 2014 to present day.

We believe that the required criteria for the issue of the Certificate of Lawful Existing Use have been met.

Peter Grist

10th October 2025