

Covering Letter – CLUED Submission – The Annex, SN12 6DR.

Breach Period 5th April 2021 to 1st May 2025.

This is a re-submission of a CLUED application. It follows K.C. legal advice and consideration, and direct interaction with Wiltshire Council.

“Prior to considering a further appeal or alternative option, it is always advised the applicant should first consider re-engaging with the local planning authority to discuss whether any changes to the proposal would make it more acceptable and likely to gain permission”.

Previous Planning History.

I have made several applications to demonstrate that The Annex has been a separate dwelling for four years and has been in continuous use as a dwelling up to now. The law requires the applicant to show, “*on the balance of probability*”, that the claim is true. Often, there is little documentary evidence or corroboration from third parties. If a CLEUD application is refused, that does not mean the use is unlawful. It only means the decision maker is not satisfied that enough evidence was provided to issue a Certificate. If refused, most applicants review their submission to see if any gaps in the evidence can be addressed. That is what I have tried to do here, brief details are set out below.

Timeline and Analysis of CLUED Applications and Appeal.

1. PL/2022/08476

- Period Claimed: 2nd Nov 2018 – 2nd Nov 2022
- Outcome: Refused
- Reason: Wiltshire Council considered the evidence of occupation and use not sufficiently clear.

2. PL/2023/02893

- Period Claimed: 11th April 2019 – 11th April 2023
- Additional Evidence: Submitted
- Outcome: Refused
- Reason: Council again found the evidence was not sufficiently clear.

3. APP/Y3940/X/23/3328012 (Appeal of PL/2023/02893)

- Inspector’s Findings:
 - No dispute that The Annex had existed as a dwellinghouse since 2018.
 - It was furnished and available for occupation throughout.
 - However, long absences in 2019/2020 led the Inspector to conclude that continuous occupation was not proved.
- Outcome: Appeal dismissed.

4. PL/2024/04135

- Period Claimed: 2020 – 2024 (post-identified absences)
- Evidence: Submitted to demonstrate continuous occupation
- Outcome: Refused
- Error Admitted: Council incorrectly assessed the application under the 10-year rule (2014–2024), rather than the correct 4-year rule.

5. PL/2024/11639

- Period Claimed: Nov 2014 – Nov 2018
- Council Position: Accepted that the 4-year rule applied
- Outcome: Refused
- Reason: Council found insufficient evidence prior 2017 citing sworn evidence inconsistencies.

To address the lengthy absences during 2019 and 2020, and to reflect the stronger documentary evidence now available, an additional application is being submitted to cover the period from 5th April 2021 – the date I returned to the UK following COVID-related and medical issues – through to 1st May 2025. This revised timeframe ensures that the application is supported by continuous, well-documented residential use, reinforcing the case for the issuance of a Certificate of Lawful use.

This application and its supporting documents supersede all previous applications and related documentation. Inconsistencies or ambiguities in earlier submissions, particularly those before April 2021, will not impact this application.

Legal Advice and Consideration.

1) *“The Planning Practice Guidance is clear that a refusal of a certificate is not necessarily conclusive that something is not lawful, it may mean that to date insufficient evidence has been presented.”*

2) *“The suggestion being, to submit an additional application, with careful consideration where the breach is complete in its entirety prior 25th April 2024 (i.e. changes to the 4-10-year rule), meaning the submission will sit within the four-year period.”*

3) *“To avoid doubt or misunderstanding, the breach being complete in its entirety means, that the building in question, The Annex in this case, has become a separate and standalone building prior 25th April 2024.”*

4) *“Furthermore, as long as the complete breach period of four years has been satisfied in its entirety at the date of application submission, it remains valid and relevant – even if the breach period proceeds past the revision date of 25th April 2024 as this latest submission will undoubtedly do”*

5) *“To do otherwise by LPA taking either the application, receipt or validation date, even if the application is submitted and validated after the 25th April 2024, would be to err in law.”*

Four- and Ten-Year Rule Changes:

Enforcement Action: Levelling Up and Regeneration Act 2023 Timescales.

*“The Levelling Up and Regeneration Act (LURA) 2023 [section 115 as mentioned in the next paragraph] extended the time limits set out in the Town and Country Planning Act 1990 [section 171] for a planning authority to take enforcement action to ten years in all cases. Previously, a local planning authority could only take enforcement action against certain unauthorised building operations within four years of the operations being completed. **The change took effect on 25 April 2024 and the extended time limits do not apply to planning breaches that occurred before 25 April 2024.**”*

“The transitional provisions are set out in Regulation 5 of the Planning Act 2008 (Commencement No. 8) and Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024 (SI 2024/452). Regulation 5 states that the amendments made by section 115 (of the LURA) do not apply where, in respect of a breach of planning control referred to in section 171B(1) of the TCPA 1990, the operations were substantially completed, or in respect of a breach of planning control referred to in section 171B(2), the breach occurred, before 25 April 2024.”

“Supplied as additional support by the House of Commons 18th October 2024, to constituent Paul Williams, in relation to questions and clarification around the four-year ten-year transitional arrangements and the introduction of the new time limits effective 25th April 2024.”

Judicial Ruling and Legal Clarity.

Full consideration has been given to relevant judicial rulings and legal principles governing Certificates of Lawful Existing Use or Development (CLUED).

This application is submitted with full awareness of the legal framework and judicial expectations surrounding CLUED determinations, and the supporting evidence has been compiled to meet those standards.

6) “Swale Borough Council v First Secretary of State and Lee [2005] EWCA Civ. 1568 – the burning issue if the applicant was absent, were the LPA able to identify and enforce this breach”.

Summary of Evidence Supporting the Annex as a Separate Standalone Property.

1. Physical Separation from 489 Main House

- At all relevant times, 489 was tenanted, making it accessible for inspection.
- Upon inspection, it was immediately evident that there was no internal doorway connecting 489 main house to The Annex.
- The ground floor rear shower room and utility room directly back onto The Annex shower room and kitchen yet remain structurally sealed off.

2. Independent Verification by Wrights Residential Managing Agent

- The document titled 1) “The Annex and 489 Semington Road Inspection Reports” provide dated, time-stamped photographic evidence confirming the lack of internal access between the two properties from March 2021 through to the present day.
- These reports serve as independent third-party documentation of the physical layout of both separate properties of 489 and The Annex.

3. External Observations Reinforce Separation

- A simple visit to the garden areas or viewing through the windows of both properties would further confirm the standalone nature of The Annex.

4. Procedural Concerns Regarding Enforcement Notice

- Questions arise as to whether the council had adequate communication with the applicant and their planning representatives during the relevant period.
- The document titled 2) “Planning Correspondence and Engagement with Wiltshire Council” demonstrates ongoing correspondence confirming I was known and reachable.

This information clearly confirms that, even in my absence, the LPA had sufficient means to identify and enforce the alleged breach, supporting the case for issuing a Certificate of Lawfulness.

Transparency of Works and Enforcement Communication.

1. No Evidence of Concealment

It has been explicitly stated by the LPA in reference to case PL/2022/08476, dated 1st February 2023, that:

“There is no evidence to suggest any active deception or concealment of the residential use of the building.”

This statement refers specifically to The Annex, confirming that its residential use has been open, transparent, and consistent, with no attempt to disguise or misrepresent its function.

Furthermore, all associated works, both internal and external, were carried out in an open and transparent manner, with no effort to obscure or misrepresent the nature or intended use of the property.

This formal acknowledgment by the LPA, further reinforces the case for a Certificate of Lawfulness.

2. Direct Communication with Planning Enforcement

On the 21st September 2022, I engaged in direct email correspondence with the Local Planning Enforcement Team. During these interactions, I was advised that:

- If I failed to respond, enforcement action would proceed in my absence.
- The process would begin with a formal notice requesting further information.
- If necessary, an unannounced site visit would be conducted under Section 196A of the Town and Country Planning Act 1990, which grants powers of entry for enforcement purposes.

This communication, initiated by Natalie Rivan's, clearly demonstrated full awareness of my presence and involvement, and that I was actively cooperating with their inquiries throughout the relevant period.

The threat of enforcement action during my potential absence further confirms that I was reachable, and the development was not considered concealed or hidden from view.

3. Site Visit Confirmation of Structural Separation

In the email thread 21st September 2022, Natalie requested a formal site visit to inspect the two separate standalone properties: The Annex and the main dwelling at 489 Semington Road.

During the site visit conducted on 25th October 2022:

- Natalie entered both buildings independently, confirming that there were no internal access points or through doors connecting The Annex to 489 Semington Road.
- The Annex was accessed via the rear courtyard garden and rear door, facing east.
- 489 Semington Road was accessed via a black gate off Semington Road and entered through the front door, facing west.

This inspection provides direct professional verification of the physical and functional separation between the two buildings, reinforcing The Annex's status as a self-contained residential unit.

4. Site Visit Photographic Record

During the same site visit on 25th October 2022, Natalie took photographs of the following areas:

- The Annex: Shower room and kitchen
- 489 Semington Road: Ground floor rear shower room and utility room

These images offer clear visual evidence of the structural separation between the two properties, confirming the absence of any internal through doorways and supporting the claim that The Annex functions independently as a self-contained residential unit.

Should further clarity be required regarding the physical layout, access arrangements, or use of The Annex in relation to 489 Semington Road, I respectfully suggest that the planning officer contact Natalie in order to obtain supporting information.

This approach would help ensure that the case is concluded with a complete and accurate understanding of the facts, in accordance with planning law and the principles of procedural fairness.

7) “Basingstoke and Deane BC vs SSCLG & Stockdale 2009 – “whether the building in question reverted back to its original use when the applicant was not present; it was as important to understand the intention of the applicant in returning to resume normal use and living within the property after such absence”.

1. Physical Separation of The Annex from 489 Main House

As detailed in *Point 6)-2* above and evidenced in the document titled 1) “The Annex and 489 Semington Road Inspection Reports”, the physical independence of The Annex is unequivocally demonstrated. This includes:

- Numerous dated and time-stamped photographs taken across multiple time periods.
- These images and Floorplan documentation, clearly show that there is no internal through doorway at the ground floor rear kitchen, shower room and utility room of 489, which directly backs onto The Annex shower room and kitchen.
- The same applies in reverse, there is no internal access from The Annex into the main house.

This evidence confirms that The Annex has remained a separate and self-contained unit throughout the relevant period to present day.

2. Residential Use and Occupation of The Annex During the Breach Period

Following any brief absences from the UK during the breach period, I consistently returned at the earliest opportunity to resume work in the UK. Upon each return:

- I resided in The Annex, which was fully equipped and furnished for domestic use.
- This pattern of occupation further supports the claim that The Annex was used as an independent dwelling during the relevant timeframe.

8) “Panton & Farmer v. SSETR and VOWHDC [1998] – the right could only be lost in one of three ways, by operation of law. First by abandonment, second by the formation of a new planning unit and third by way of a material change of use.

Throughout the four-year breach period to the present day, The Annex remained a separate and standalone building distinct from the main property at 489. During this time:

- The Annex was not abandoned at any point.
- There was no formation of a new planning unit – its use and identity as a self-contained residential unit remained consistent.
- There was no material change of use; the building continued to function as a dwellinghouse, furnished and ready for occupation.

This continuity of use and physical separation reinforces the lawful status of The Annex under the four-year rule and supports the case for a Certificate of Lawfulness.

Additional Legal Advice and Consideration.

9) “time runs on a breach of condition as long as it is the same breach of condition. Often it is said that a breach has to have continued or been continuous for the period, but neither term is in the statute”.

10) *“continuity will be affected by the nature of the breach. For example, a residential use of a building will be taking place if the building is equipped and furnished for domestic use, even if there is no one living there”.*

11) *“whether a use is being carried out within this period is synonymous with whether enforcement action can be taken, if at that particular time an enforcement notice could be issued, then time is counting towards the limitation period”*

Together, these principles affirm that The Annex’s status as a separate dwellinghouse, consistently maintained in a ready-to-occupy condition, satisfies the legal threshold for continuity of use. Even where physical occupation was intermittent, uninterrupted readiness and lawful configuration continue to support the case for a Certificate of Lawfulness.

Additional Supporting Evidence.

Planning Inspectorate Confirmation of Lawful Use.

In the Planning Appeal decision APP/Y3940/X/23/3328012, dated 26th February 2024, the Planning Inspector Mr. Hand made a clear and unequivocal finding under *Page 1, Point 4 – Reasons*, stating:

“I don’t think there is any dispute The Annex was converted into a dwellinghouse and was furnished and available for occupation for more than the required 4 years (i.e. 2018 to 2022) – additionally no-one else lived in The Annex in the meantime and it remained ready for the appellant to resume living there whenever he was in England.”

This statement confirms the following key points:

- The Annex was lawfully converted into a dwellinghouse.
- It remained furnished and available for occupation throughout the relevant four-year period.
- No other individuals occupied The Annex, reinforcing the appellants exclusive residential use.
- The Annex was consistently ready for reoccupation whenever the appellant returned to the UK.

This authoritative conclusion directly supports the case for a Certificate of Lawful Use and should be given significant weight in any further assessment.

When considered alongside Mr. Hands’ statement and the judicial ruling referenced above, serious weight must also be afforded to the following facts:

1. Continuous Residential Use During the Breach Period.

Throughout the four-year breach period, I consistently returned to the UK after only minimal absences, and upon each return, I resided in The Annex, which was equipped and furnished for domestic use. This pattern of occupation demonstrates that The Annex was maintained and used as a residential dwelling, even during short periods of absence.

2. Timeline of Absences and Returns.

The dates listed below represent brief periods of absence and demonstrate continued residential use of The Annex. Each instance should be assessed individually, with consideration given to the specific circumstances and justification for each absence:

- **April 2021 -**
 - *5th April:* Returned to the UK to recommence work, residing in The Annex.
 - *26th Sept – 22nd Nov (57 days):* Holiday extended due to brother-in-law’s illness.
 - *1st Jan – 22nd Jan (22 days):* Travelled to Jeddah to attend brother-in-law’s funeral.

- **April 2022**
 - *27th Aug – 4th Oct (39 days)*: Family visit.
 - *18th Nov – 26th Dec (38 days)*: Religious and family-related travel.
- **April 2023**
 - *18th Apr – 8th May (20 days)*: Short holiday.
 - *28th Nov – 26th Dec (29 days)*: Religious observance and family support.

Each absence was followed by a prompt return to The Annex, and none disrupted the continuous residential use of the property. These details are fully documented in evidence titled 3) “Statutory Declaration – Timeline of Absences”, which outlines the dates, reasons, and duration of each period away.

This evidence further supports the claim that The Annex has remained a self-contained and lawfully occupied residential unit throughout the relevant period.

3. Confirmation of Transfer and Continued Occupation of The Annex.

On 27th December 2023, Mr. Gusu took possession of The Annex and has continued to occupy it uninterrupted to the present day. This ongoing tenancy by a new resident further reinforces:

- The Annex status as a self-contained residential unit.
- It’s suitability for independent domestic use.
- The continuity of lawful residential occupation.

This transition between residents, without any break in use, supports the claim of continuous and lawful residential use over the relevant period and demonstrates the property's ongoing functionality as a standalone dwelling.

Personal Circumstances, Religious Considerations, and Equality & Diversity Implications

1. Personal Circumstances.

In 2006, I married [REDACTED] an Arabian woman, and my life changed significantly from what may be considered conventional within the UK. This shift deepened with the birth of our daughter [REDACTED] in 2008, who is currently being educated in Saudi Arabia.

As a result, I became part of a large, devout Muslim family – [REDACTED] is one of eight siblings, with 21 nieces and nephews and 14 children among them. In turn, my extended Arabian family embraced me as a British brother, uncle, and father to a mixed-race niece and cousin.

There is a strong cultural expectation that I attend key family events such as births, engagements, and weddings, with more serious occasions such as illness and bereavement, requiring mandatory presence. This was especially true during my brother-in-law Abdulla’s illness in October and November 2021 and his passing in January 2022.

2. Educational Commitment to My Daughter.

[REDACTED]’s education in Saudi Arabia includes a robust calendar of academic and religious events. These range from strategic planning meetings and open house days to Arabic and Qur’an competitions, market exhibitions, and graduation ceremonies.

As a father, I am committed to supporting [REDACTED]'s development and wellbeing. While my business is entirely UK-based, I make every effort to attend these events in person when possible. When I cannot, I participate remotely through online platforms. These obligations should be viewed as legitimate and reasonable, and my brief absences from the UK and The Annex during such periods should not be penalised.

3. Religious Considerations.

As a practicing Muslim, religious observance is central to my life. I regularly travel to Makkah and Madinah for spiritual purposes, including Ramadan, Eid, Umrah, and Hajj. These observances span approximately eight weeks annually.

In the Muslim world, these festivals are equivalent in significance to Christmas and Easter in Christian tradition. Just as it would be unreasonable to deny a British Christian the right to celebrate these holidays with family, it is equally important to respect and accommodate Muslim religious practices.

4. Equality and Diversity.

Wiltshire Council's Equality and Diversity policies emphasise fairness, opposition to discrimination, and recognition of how policies affect people differently. These principles must be actively considered in planning decisions.

To disregard my cultural and religious obligations would imply that my personal circumstances are irrelevant. This would represent a failure to apply planning policy with the necessary flexibility and sensitivity, simply because I do not conform to a perceived UK norm.

If Equality and Diversity policies are not meaningfully considered in this context, then their purpose is undermined. My situation deserves fair and thoughtful consideration, not exclusion or dismissal.

UK Holiday Entitlement Contextual Analysis.

When assessing the periods of absence referenced in 3) "Statutory Declaration - Timeline of Absences", it is important to consider them within the broader context of UK holiday entitlement norms and personal circumstances.

1. Standard UK Holiday Entitlement.

- Most full-time employees accrue approximately 25 working days of annual leave, plus bank holidays totaling around 6 weeks or 42 days per year.
- Increasingly, modern employers offer loyalty incentives, extending total holiday entitlement to 8 weeks or 56 days annually.
- This typically allows for one or two holidays per year, ranging from two to four weeks, depending on income, outgoings, and disposal income.

2. Mature Demographic Travel Patterns.

Individuals in later stages of life, with fewer financial obligations and greater disposal income, commonly take extended holidays totaling 8 to 12 weeks per year (56 to 84 days)

- Many choose to spend winter months in warmer climates or engage in extended travel such as Mediterranean cruises or long stay holidays abroad.

3. Personal and Professional Circumstances.

- As a self-employed individual, my work schedule is non-standard, often involving long hours, year-round site work, and exposure to all weather conditions.
- My age and eligibility for free UK bus travel further align me with the demographic that typically enjoys longer holiday periods.
- Therefore, the periods of absence documented in my declaration are reasonable and proportionate, especially when compared to individuals of similar age, employment status, and financial circumstances.

Utility Evidence to Support Residential Use of The Annex.

To ensure clarity and avoid any confusion or ambiguity for third-party readers or decision-makers, I proactively requested British Gas to provide formal proof of name, address, and account details associated with my historical utility account:

- My previous British Gas account (No. 851003472749) only displayed the supply postcode SN12 6DR on issued statements, without specifying the full address of The Annex.
- To address this limitation, I contacted British Gas and requested confirmation of the full account details which were supplied in an email with a screenshot of my account included.
- British Gas also confirmed on the 8th December 2022 that my account would be transitioned to a new account number A6630701, which now includes both my full name and the complete address of The Annex.

Please refer to the document titled 4) “British Gas Billing Nov 2020 – Dec 2023 and Final Bill Jan 2024”. This provides independent verification of utility services to The Annex and supports the assertion that it has been used as a self-contained residential unit during the relevant period.

Transfer of Occupation and Utility Responsibility.

Please note that on 27th December 2023, Tenant Gusu formally took possession of The Annex, marking the end of my direct residential use. From this date forward:

- Mr. Gusu assumed full residential occupation of The Annex.
- He also took over responsibility for the relevant utility supplies, including the British Gas Account, confirming the continued domestic use of the property as a self-contained dwellinghouse to the present day.

This uninterrupted transition further supports the lawful and consistent residential use of The Annex beyond the four-year breach period.

489 Semington Road – Documentary Evidence of The Annex Separation

This extensive analysis has been completed, providing clear and compelling evidence supporting the separate and continuous residential use of both The Annex and the main dwelling at 489 Semington Road as titled in the following documents:

5) “489 AST Agreement – Rebecca Soady – 13th March 2021 to September 2023” – confirms formal tenancy arrangements and continuous occupation of 489 during this period.

6) “489 AST Agreement – Jodi Cripps – 22nd September 2023 to Current Day” – demonstrates uninterrupted transition of tenancy, evidencing independent residential use.

The Assured Shorthold Tenancy (AST) Agreements initially commenced with fixed six-month terms and subsequently transitioned into statutory periodic tenancies, in line with standard residential letting practices.

The submitted rent invoices are divided into two distinct phases, each corresponding to my residential address during the relevant period of continuous occupation:

Phase 1: The Annex Referenced in Document 7: “489 Rent Invoices – 5th April 2021 to 26th December 2023”, during which I resided at The Annex as a self-contained residential unit.

Phase 2: The Coach House Referenced in Document 8: “489 Rent Invoices – 27th December 2023 to 6th May 2025”, during which I resided at The Coach House, 489A Semington Road, beginning 26th December 2023, with Mr. Gusu commencing tenancy of The Annex 27th December 2023.

These invoices provide clear financial documentation of uninterrupted residential use of The Annex throughout the breach period, reinforcing the case for granting a Certificate of Lawful Use.

Clarification of Rental Payment Overlap – September 2023 Onward

From September 2023, tenant Rebecca Soady continued to make rent arrear payments after vacating 489 Semington Road, while tenant Jodie Cripps simultaneously commenced regular rent payments upon taking up occupation of the property.

This resulted in overlapping rental payments from both tenants, with Jodie Cripps as the sole occupant during this period. The arrangement is fully documented in the submitted AST agreements and rent invoices and reflects a transitional phase during which outstanding arrears were being settled while a new tenancy was underway.

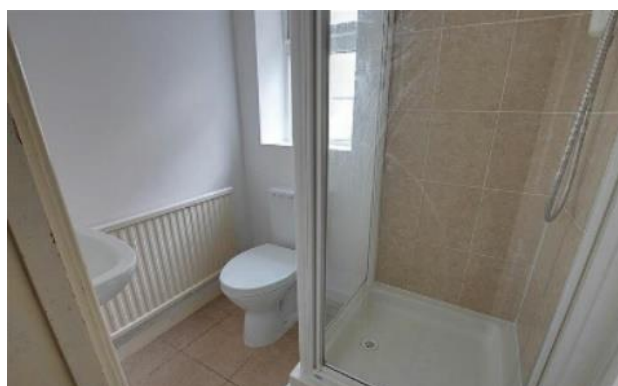
This clarification ensures transparency in the financial records and supports the evidence of continuous and lawful residential use of The Annex.

- Document titled 9) “489 Rightmove Listing – July 2023 to Sept 2023”

This official advertisement was used to market 489 Semington Road to prospective tenants, further evidencing its independent status and availability:

Physical Separation Between 489 and The Annex.

The Rightmove photographs and floorplan below, clearly demonstrate that there is no internal through doorway of the ground floor kitchen, rear shower room and utility room of 489. These rooms directly back onto The Annex’s ground floor shower room and kitchen yet remain structurally separated.



This floorplan of 489, clearly shows that there is no internal through doorway at the rear of 489 kitchen, ground floor shower room and utility room (highlighted green but not labeled). These rooms directly back onto the ground floor shower room and kitchen of The Annex yet remain structurally separated.



The Annex – Documentary Evidence of Separation from 489 Semington Road

This extensive analysis and supporting documentation establish beyond doubt that The Annex has remained a separate and standalone residential property throughout the relevant period.

Key Supporting Documents

- Document titled 10) “The Annex AST Agreement – Ionel Gusu – Dec 2023 to Current Day” confirms formal tenancy arrangements, evidencing independent occupation of The Annex by Mr. Gusu.
- Document titled 11) “The Annex Rent Invoices – 27th Dec 2023 to Current Day (addressed to Paul Williams, The Coach House)” demonstrates consistent rental payments and clear financial separation from the main dwelling at 489 Semington Road.

Together, these documents provide clear and verifiable evidence of uninterrupted residential use of The Annex throughout the breach period to the present day. They reinforce the case for the granting of a Certificate of Lawful Use by demonstrating:

- Independent tenancy
- Financial separation
- Continuous occupation

Physical Separation Between The Annex and 489.

The document entitled 1) “The Annex and 489 Semington Road Inspection Reports” for photographic evidence which unequivocally confirms that there is no internal through doorway at the rear of The Annex’s ground floor shower room and kitchen.

These rooms directly back onto the ground floor kitchen, shower room and utility room of 489, yet remain structurally separated, confirming the independent layout and self-contained nature of The Annex.

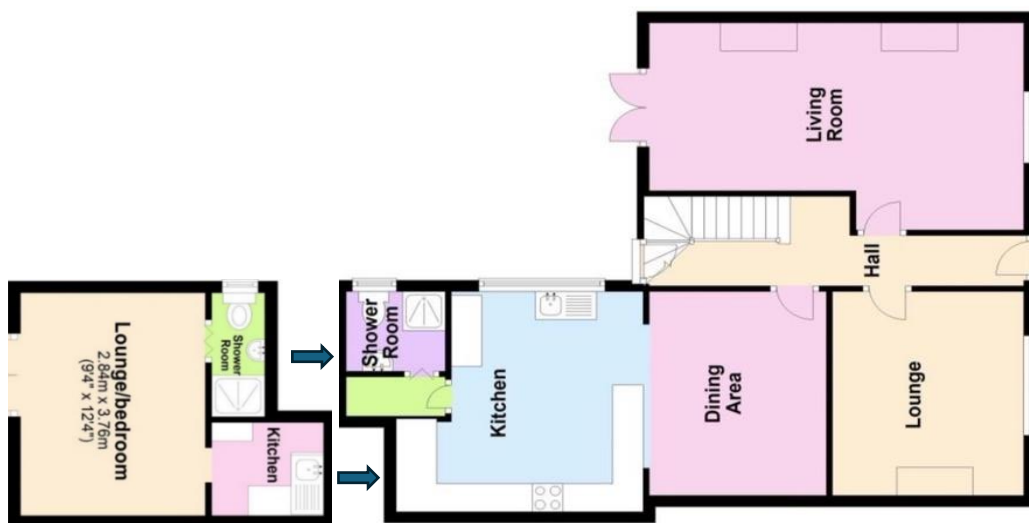
This floorplan image also clearly shows that there is no internal through doorway at the rear of The Annex's ground floor shower room and kitchen – confirming these rooms directly back onto the ground floor kitchen, rear shower room and utility room of 489 Semington Road yet remain structurally separated.



Merged Ground Floorplans: Spatial Relationship and Separation.

The merged ground floorplan images of The Annex and 489 Semington Road clearly illustrate how the respective layouts align in principle. These plans demonstrate the following:

- The ground floor shower room and kitchen of The Annex directly back onto the kitchen, rear ground floor shower room and utility room (highlighted green but not labeled) of 489.
- Arrows indicate where the images correspond, although due to technical limitations, the two plans could not be digitally overlapped.
- Despite this spatial proximity, the floorplans confirm that no internal through doorway exists between The Annex and 489.
- The layouts reinforce the structural separation between the two units and support the conclusion that The Annex remains physically and functionally independent from the main dwelling of 489.



The Annex Floorplan.

489 Semington Ground Floorplan.

This visual evidence complements the photographic and written documentation, further validating The Annex's status as a self-contained residential unit throughout the relevant period.

Council Tax Payment Confirmation.

The document titled 12) "Council Tax Payment" confirms that Council Tax for The Annex was paid by Paul Williams for the period commencing 13th January 2023 through to 26th December 2023.

This record provides independent verification of The Annex's status as a self-contained residential unit, reinforcing its lawful use as a dwellinghouse during this relevant period.

Please note that on the 27th December 2023, Tenant Gusu formally took possession of The Annex, marking the end of my direct residential use, whilst also taking over responsibility of Council Tax Payments.

This uninterrupted occupation and Council Tax payments by both residents, further reinforces The Annex's status as a self-contained residential unit, independently equipped and suitable for ongoing domestic use.

Highways and Parking Consideration.

Regarding the lack of off-street parking for The Annex, Wiltshire Council officers have confirmed PL/2024/04135 that:

"Given the limited accommodation (one bedroom) contained within The Annexe, officers do not raise concerns in relation to any Highways impact, given that The Annexe would utilise the existing access and on-street parking arrangement that has served The Annexe for the past four years."

This statement affirms that the existing parking arrangement is considered acceptable and sufficient for the scale of residential use associated with The Annex. It further supports the position that the property has functioned as a self-contained residential unit without generating adverse impact on local highways or infrastructure.

Conclusion and Legal Context

This application is submitted with full consideration of the relevant judicial rulings and legal principles governing Certificates of Lawful Use or Development (CLUED). It reflects a clear understanding of the legal framework and judicial expectations that underpin CLUED determinations, and the supporting evidence has been compiled to meet those standards.

In line with the Planning Practice Guidance for applications relating to 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."

This principle directly supports the current application. The evidence submitted is both precise and unambiguous, demonstrating continuous, independent residential use of The Annex throughout the relevant period to the present day.

Accordingly, the application meets the legal threshold required for the granting of a Certificate of Lawful Use or Development (CLUED) under Section 191 of the Town and Country Planning Act 1990.

At this stage, there is no known contradictory information from either the Local Planning Authority or third parties. The development has been open, observable, and consistently documented, with no indication of concealment or misrepresentation.

Should officers require any further clarification regarding the evidence or applicable legal considerations, I would welcome the opportunity to engage in constructive dialogue during the determination process to ensure a complete and accurate understanding of the facts.

Yours sincerely,

Paul Williams

Documentation Included

The following documents are referenced in this covering letter and submitted as evidence in support of this application. Collectively, they substantiate the long-term, standalone use of The Annex as a self-contained residential planning unit, meeting the evidentiary threshold required for the granting of a Certificate of Lawful Use or Development (CLUED) under Section 191 of the Town and Country Planning Act 1990.

Ref	Document Title
0	Covering Letter – CLUED Submission – The Annex, SN12 6DR
1	The Annex and 489 Semington Road Inspection Reports
2	Planning Correspondence and Engagement with Wiltshire Council
3	Statutory Declaration – Timeline of Absences
4	British Gas Billing Nov 2020 – Dec 2023 & Final Bill Jan 2024
5	489 AST Agreement – Rebecca Soady (13th March 2021 to September 2023)
6	489 AST Agreement – Jodie Cripps (22nd Sept 2023 to Current Day)
7	489 Rent Invoices – 15th March 2021 to 22nd Dec 2023 (Addressed to Paul Williams, The Annex)
8	489 Rent Invoices – 27th Dec 2023 to 6th May 2025 (Addressed to Paul Williams, The Coach House)
9	489 Rightmove Listing – July 2023 to Sept 2023
10	The Annex AST Agreement – Lonel Gusu – Dec 2023 to Current Day
11	The Annex Rent Invoices – 27th Dec 2023 to Current Day (Addressed to Paul Williams, The Coach House)
12	Council Tax Payment
13	The Annex Location and Site Plan
14	Wrights Residential Declaration
15	Brenda Cross Declaration
16	Patric Ryan Declaration
17	Application Form

October 2025