

SUPPORTING STATEMENT

On behalf of Mr and Mrs Adams

SITE

Haredene, Chicksgrove, Tisbury, Salisbury SP3 6NB

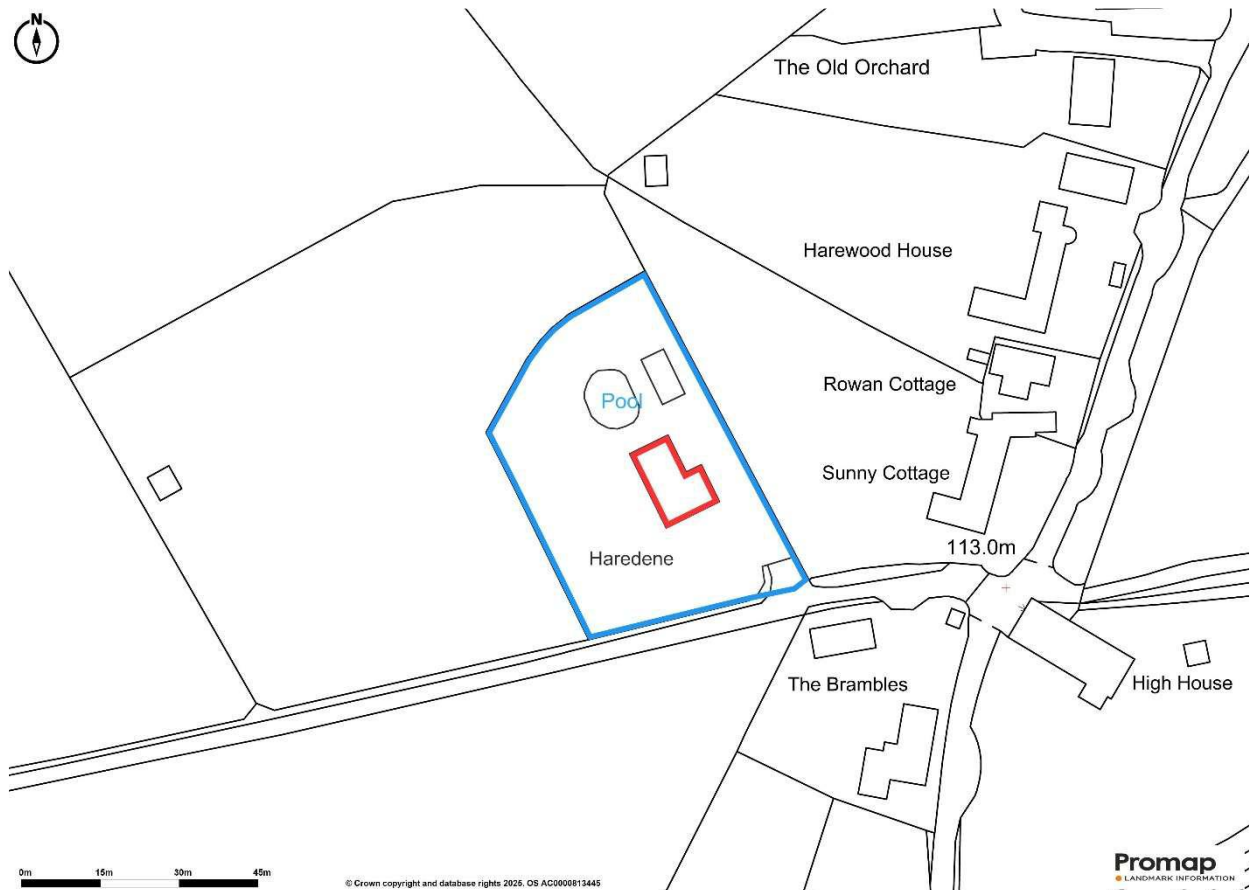
PROPOSAL

Application for the Removal of Condition 7 relating to
an Agricultural Occupancy Condition on
Application S/91/0206 at Haredene, Chicksgrove, Tisbury,
Salisbury SP3 6NB

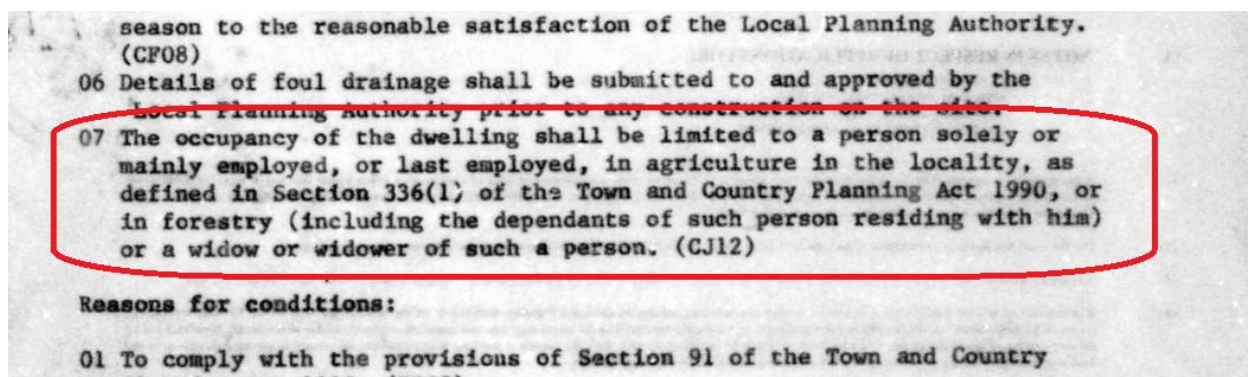


Symonds & Sampson LLP
Units 6 & 7 Chapel Barnyard
Deptford Farm
Wylve
BA12 0QQ
Ref: JRE/tjw/14673A

1. This Statement has been prepared by Symonds & Sampson LLP on behalf of the Applicants, Mr and Mrs Adams ("the Applicants"), the owners of Haredene, Chicks Grove, Tisbury, Wiltshire SP3 6NB ("the dwelling"). The dwelling is identified edged red as per the plan shown below:-



2. This Section 73 Application follows the recently approved Certificate of Lawfulness, reference PL/2025/09308 (*Appendix 1*) where it was successfully proven that the dwelling referred to above has been occupied in breach of compliance with the Planning Condition limiting occupancy solely or mainly employed or last employed in agriculture or forestry for a period of more than ten years.



3. The issuing of the Certificate of Lawfulness currently provides immunity against the Condition being enforced, providing the dwelling continues to be occupied in breach of Condition 7.
4. Whilst the breach continues, the Condition remains on the dwelling which was granted permission on the 9th August 1991 under reference S/91/0206, a copy of the permission is shown within *Appendix 2*.
5. The purpose of this Application seeks to formally remove the Condition via Section 73A. Section 73A of the Town & Country Planning Act 1990 relates to planning permission for development already carried out more specifically at subsection (2)(c) it applies to “development carried out without complying with some condition subject to which planning permission was granted”.
6. NPPF Para. 57 suggests Planning Conditions should be imposed and maintained only where they are necessary relevant to planning and to the development, enforceable, precise and reasonable in all other respects. Likewise, it should be enforceable, precise and reasonable in all other respects. The issue in this example is whether Condition 7 of the 1991 approved Planning Permission remains necessary, enforceable and reasonable, having regard to the Development Plan, the need for rural workers’ dwellings in the local area and other material considerations.
7. We consider that the issuing of the Certificate of Lawfulness makes the Condition currently unenforceable and therefore no longer necessary or relevant. The evidence contained within the Lawful Use Certificate PL/2025/09308 dated 12th January 2026 demonstrated that the occupier of the dwelling had lived in breach of the Condition for more than ten years, therefore the usefulness and effectiveness of the original Planning Condition (No. 7) is now no longer deemed appropriate.
8. The Planning Act requires that when Applications are considered that regard is to be had to the Development Plan and all other material considerations and that Applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this example, one such material consideration is the immunity from enforcement action provided by the Certificate of Lawfulness. This is capable of carrying greater weight than the Development Plan and the need to market the dwelling.
9. There is no requirement to market the dwelling for sale as the granting of the Lawful Development Certificate in effect nullifies the ability for the Local Planning Authority to currently enforce a Condition therefore rendering it useless and overriding the need to market the dwelling for sale in line with the Local Plan Policy.
10. The issuing of the Certificate, however, does not preclude future compliance by an agricultural worker, and if that were to happen the Condition becomes relevant again. Whilst theoretically the Condition could become enforceable again in the future should an occupier of the property comply with Condition No. 7, the chances of this happening are very remote especially given the diminution in value that would result from that action. Indeed, it is much more likely that the property will continue to be occupied by someone in breach of the Condition, given the impact on the value of the dwelling if the Condition were ever to be enforceable again.

11. Therefore, Condition 7 of Decision S/91/0206, dated 9th August 1991, serves no useful purpose for Haredene in that occupancy of the dwelling by a person or persons who did not comply with the Condition could by virtue of the Certificate not be enforced against and, for the above reasons, a new unconditional permission should be issued removing the Agricultural Occupancy Condition from the property.

Jack Edwards MRICS FAAV
Partner

19th March 2026

Enclosures :
Appendix 1 - Certificate of Lawfulness
Appendix 2 - S/91/0206

**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/2025/09308
Decision Date: 12/01/2026**

Applicant: Mr and Mrs Adams
Coleman's Farm, Lower Chicksgrove, Salisbury, Wiltshire , SP3 6NB

At: Haredene, Tisbury, Salisbury, SP3 6NB

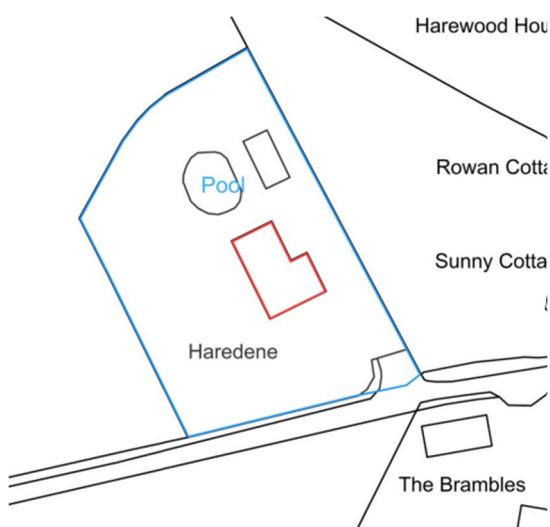
Wiltshire Council hereby certify that on 26 November 2025 the operations described in the First Schedule to this Certificate in respect of the land specified in the Second Schedule to this Certificate and edged red on the plan attached to this certificate would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) for the following reasons:

The Council are satisfied that in the absence of any contrary evidence, and based on the balance of probabilities, the dwellinghouse has been occupied by persons not related to agriculture, therefore in breach of condition 7 of planning consent S/1991/0206 for a continuous period of 10 or more years from the date of this application.

The evidence submitted satisfies the criteria set out in the Town and Country Planning Act 1990 (as amended) and the development meets the relevant time limits and planning law requirements.

SCHEDULE 1: Certificate of lawfulness (existing use) to regularize continued occupation in excess of 10 years in breach of S/1991/0206 condition 07

SCHEDULE 2: Haredene, Tisbury, Salisbury, SP3 6NB



Signed
Nic Thomas - Director of Planning, Economy and Regeneration

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.

SALISBURY DISTRICT

S/91/0206/TP

TOWN & COUNTRY PLANNING ACTS 1990

GRANT OF FULL PLANNING PERMIS. ON

Name and Address of Applicant: MR G MAIDMENT
HILLTOPS
TISBURY

Date Registered: 14.02.91

Location and Description:

ERECTION OF AGRICULTURAL BUNGALOW
COLEMANS FARM, CHICKSGROVE

SALISBURY DISTRICT COUNCIL HEREBY GRANTS FULL PLANNING PERMISSION FOR THE ABOVE DEVELOPMENT

Subject to the following conditions:

- 01 The development for which permission is hereby granted must be commenced not later than the expiration of 5 years beginning with the date of this permission. (CA04)
- 02 The development hereby permitted shall be carried out in accordance with the additional plans received by the Local Planning Authority on 5/4/91. (1627)
- 03 Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed building(s) shall be submitted to and approved in writing by the Local Planning Authority (CC01)
- 04 Notwithstanding the provisions of Schedule 2 (Part 1), Classes A, E and Part 2, Class A to the Town and Country Planning General Development Order 1988 (or any order revoking and re-enacting that Order), there shall be no extensions to the dwelling(s) nor the erection of any structures within the curtilage unless otherwise agreed by the Local Planning Authority upon submission of a planning application in that behalf. (1628)
- 05 Before the building hereby permitted is occupied, the development shall be screened by the planting of a suitable hedge, of a type, height and in positions to be agreed in writing with the Local Planning Authority. The hedge so planted shall be properly maintained and in the event of any failures or loss through damage occurring within two years of the date of planting, these shall be replaced during the next planting

ELLIS FINNISS
27A CASTLE STREET
SALISBURY
WILTS

Continued....

SALISBURY DISTRICT

S/91/0206/TP

season to the reasonable satisfaction of the Local Planning Authority.
(CP08)

- 06 Details of foul drainage shall be submitted to and approved by the Local Planning Authority prior to any construction on the site.
- 07 The occupancy of the dwelling shall be limited to a person solely or mainly employed, or last employed, in agriculture in the locality, as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry (including the dependants of such person residing with him) or a widow or widower of such a person. (CJ12)

Reasons for conditions:

- 01 To comply with the provisions of Section 91 of the Town and Country Planning Act 1990. (X002)
- 02 For the avoidance of doubt. (X004)
- 03 To secure a harmonious form of development. (X006)
- 04 To enable the Local Planning Authority to retain planning control over the development in the interests of amenity. (X033)
- 05 In the interests of the amenity and the environment of the development. (X019)
- 06 In order to maintain water quality.
- 07 The site is in an area where permission for development unrelated to the essential needs of agriculture or forestry would not normally be granted. (X037)

Signed

Authorised Officer

Date: 09.08.91

NW.996

S/91/0003 - CHANGE OF USE TO GENERAL STORAGE ONLY : STATION YARD,
DINTON - FOR B. HEDGES -

RESOLVED - that the officers be authorised to take Enforcement Action to ensure the cessation of the unauthorised use of this land, and the removal of the unauthorised materials.

(NOTE: the decision of refusal of the above application is set out in Schedule 'A' attached)

NW.997

S/91/0206 - ERECTION OF AGRICULTURAL BUNGALOW, COLEMANS FARM,
CHICKSGROVE - FOR MR. G. MAIDMENT -

RESOLVED - that upon the applicants entering into an Agreement that upon the completion of a Revocation Order without compensation, regarding planning permission S/90/505/TP, planning permission be granted subject to the following conditions:-

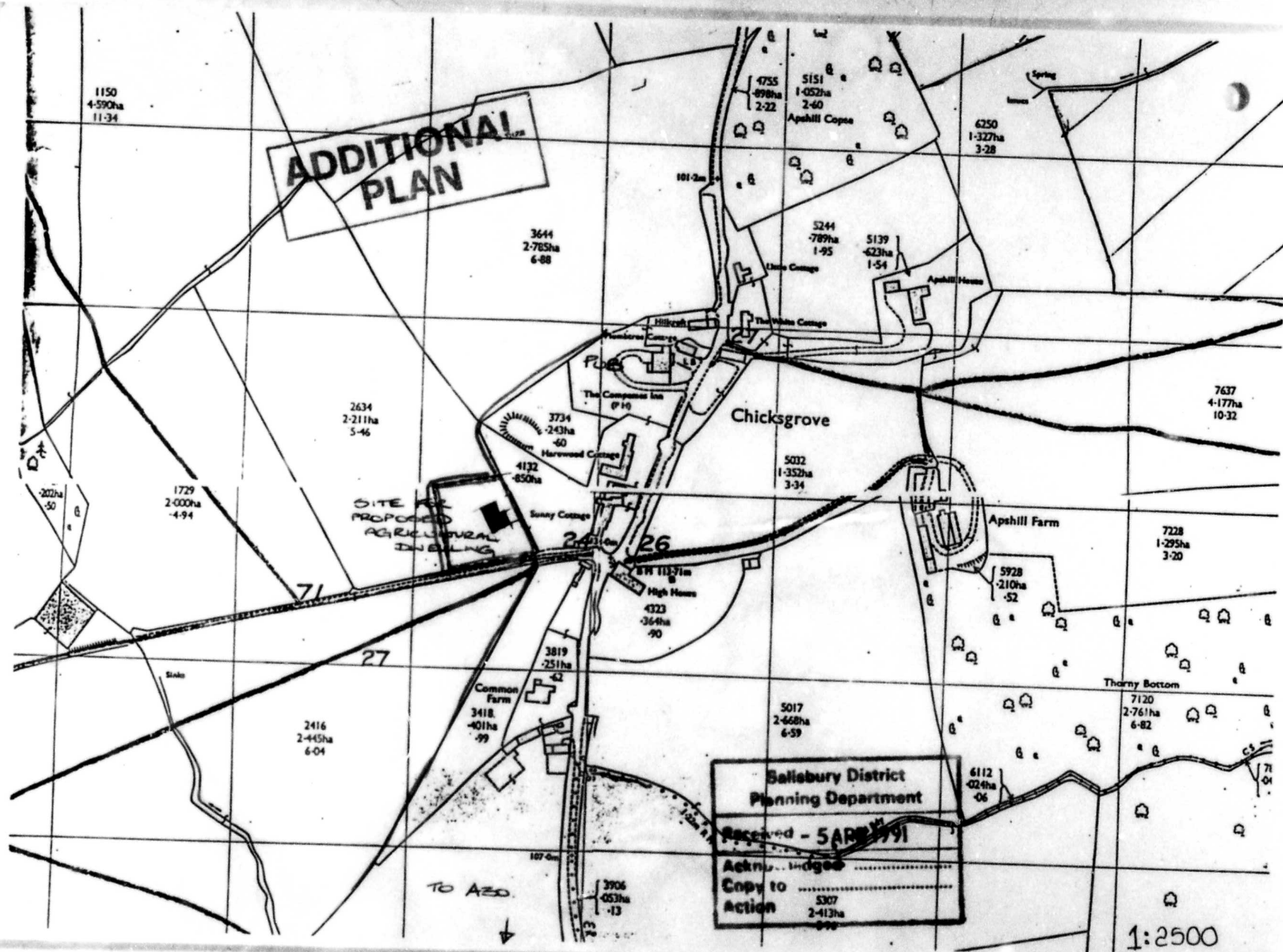
1. The development for which permission is hereby granted must be begun not later than the expiration of 5 years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the additional plans received by the Local Planning Authority on 5/4/91.
3. Before development is commenced, a schedule of materials and finishes, and, where so required by the Local Planning Authority, samples of such materials and finishes, to be used for the external walls and roofs of the proposed building(s) shall be submitted to and approved in writing by the Local Planning Authority.
4. Notwithstanding the provisions of Schedule 2 (Part 1), Classes A, E and part 2, Class A to the Town and County Planning General Development Order 1988 (or any order revoking and re-enacting that order), there shall be no extensions to the dwelling(s) nor the erection of any structures within the curtilage unless otherwise agreed by the Local Planning Authority upon submission of a planning application in that behalf.
5. Before the building hereby permitted is occupied, the development shall be screened by the planting of a suitable hedge, of a type, height and in positions to be agreed in writing with the Local Planning Authority. The hedge so planted shall be properly maintained and in the event of any failures or loss through damage occurring within two years of the date of planting, these shall be replaced during the next planting season to the reasonable satisfaction of the Local Planning Authority.
6. Details of foul drainage shall be submitted to and approved by the Local Planning Authority prior to any construction on the site.

7?? cano 1 missing off minutes
- checked with KP - OK
- 4 -
to issue does not with
cano 7 on it

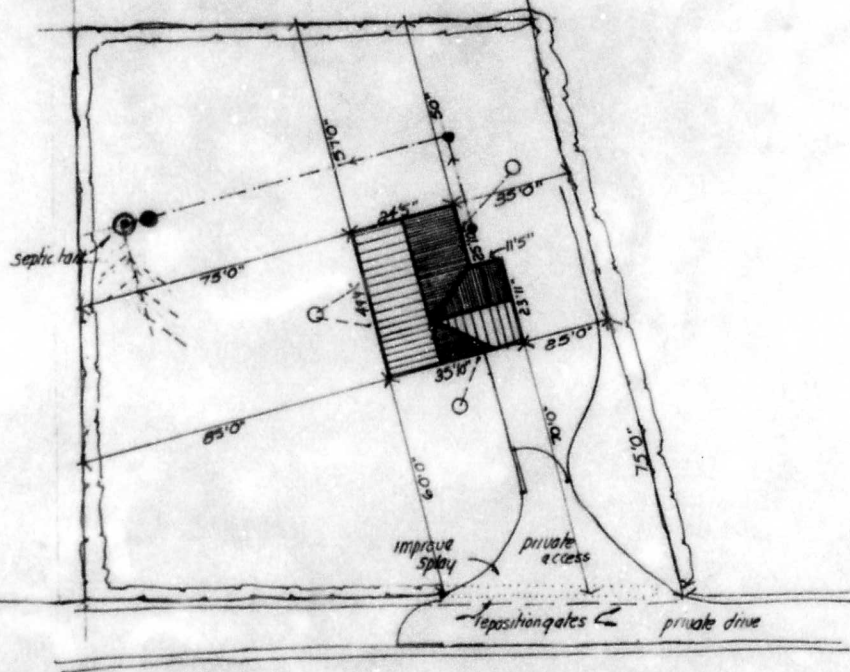
owner
previous approval
rent

S 100 206 1





Salisbury District
Planning Department
Received - 5 APR 1991
Acknowledged
Copy to
Action



EXISTING SITE PLAN:

**ADDITIONAL
PLAN**

PROPOSED SITE PLAN: 1:500

