

PLANNING STATEMENT FOR A CERTIFICATE OF LAWFULNESS OF EXISTING USE OR DEVELOPMENT

- On behalf of -

MR. & MRS. C. PEACHEY

- For the removal of an Agricultural Occupancy Condition at –

**NO.1 & NO. 2 BINCKNOLL
COTTAGES
BINCKNOLL LANE
ROYAL WOOTTON BASSETT
SN4 8QT**

- as at -

MARCH 2026

- for submission to -

WILTSHIRE COUNCIL

**MOORE ALLEN & INNOCENT LLP
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INTRODUCTION

This Planning Statement has been prepared and submitted on behalf of Mr. and Mrs. C. Peachey (hereafter referred to as the “Applicant”). This application is supported by the documents and drawings submitted as part of this removal of an Agricultural Occupancy Condition application under the Town and Country Planning Act 1990.

1.1 General information

- | | | |
|----|---------------------------------|---|
| a) | Applicant:- | Mr. & Mrs. C. Peachey
9 High Street,
Fairford,
GL7 4AD |
| b) | Site Address:- | No. 1 & No. 2 Bincknoll Cottages,
Bincknoll Lane,
Royal Wootton Bassett,
Wiltshire,
SN4 8QT |
| c) | Accompanying Documents:- | Location Plan
Block Plan
Tenancy Documents |

1.2 The Planning Application Submission

In accordance with the Town & Country Planning Act 1990 (as amended) in the Town & Country Planning (Development Management Procedure) Order 2015 (as amended), the planning submission will comprise the following documentation:

- Application forms, including certificates of ownerships and notices, duly completed.
- Planning Statement
- Correct Planning Application Fee

Should the LPA require any documents not submitted as part of this Planning Statement, please request these from the Agent.

1.3 Structure Of This Planning Statement

The requirements for the development are provided in this Statement. The information provided in this Statement for planning application purposes on behalf of Mr. & Mrs. C. Peachey is divided into 4 Sections plus Appendices and following this Introduction (Section 1), the structure follows:-

- **Section 2 – The Application Site**
- **Section 3 – Justification**
- **Section 4 – Conclusion**

2. The Application Site

This Planning Statement accompanies an application for the continued residential use of two dwellings (No. 1 & No. 2 Bincknoll Cottages) without complying with an Agricultural Occupancy Condition for a continuous period of more than ten years. There is no direct planning permission reference for the erection of these agricultural workers' dwellings, however there is a reference to the properties on a Register of Plans Deposited dated 24th June 1965 with Condition 1 being relevant.

Condition 1 of the 1965 Deposit states the following:

“the occupation of each dwelling shall be limited to a person employed or last employed locally agriculture as defined in Section 221(1) of the Town and Country Planning Act, 1962, or forestry, or a dependent of such person residing with him (but including a widow or widower of such person)”.

No. 1 Bincknoll Cottage has been in breach of Condition 1 since 15th May 2004. The property has been leased to the same individual continuously since this date under an Assured Shorthold Tenancy.

The occupation of No. 2 Bincknoll Cottage has been in breach of Condition since 1st June 2013 and has been subject to an Assured Shorthold tenancy Agreement.

There is information supplied within this Planning Statement and in the Appendices which contains personal information, therefore, should be treated as confidential and redacted from the public domain.

The properties are located in a pocket of dwellings and equestrian facilities to the south of Royal Wootton Bassett. The site is owned by the Applicant and has been so since 11th October 1994.

No. 1 Bincknoll Cottage was let to the same couple under an Assured Shorthold Tenancy since 15th May 2004. Mr. and Mrs. Anderson have never worked or been employed in agriculture.

No. 2 Bincknoll Cottage has been let to the same individual since 1st June 2013 and her occupation has been continuous for an unrestricted residential use since this date. Ms. Helen Lee has never worked or been employed in agriculture.

The tenancy agreements are available on request by Wiltshire Council as they contain confidential information.

3. Justification

Section 191 of The Town & Country Planning Act 1990 provides that if any persons wishes to ascertain whether the existing use of land or buildings is lawful, they may make an application to the Local Authority specifying the land and describing the use.

Section 191(3) states that

“for the purposes of this Act any matter constituting a failure to comply with the condition or limitation subject to which planning permission has been granted is lawful if at any time –

- (a) The time for taking enforcement action in respect of the failure has then expired; and**
- (b) It does not constitute a contravention of any of the requirements of any enforcement notice or breach of condition notice then in force”.**

Section 171b(3) of The Town & Country Planning Act 1990 relates to the time period in which enforcement action against a planning condition can be taken. The legislation states:

“in the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach”.

In addition to the above mentioned Tenants, being employed outside of the agricultural industry, they are registered as the occupier for Council Tax purposes.

4. Conclusion

In order for No. 1 & No. 2 Bincknoll Cottages to be lawful for an unrestricted residential use, the breach of Condition 1 of the Plan Deposited, dated 24th June 1965 (reference 223/65) must have occurred for a continuous period of at least ten years and that the use does constitute contravention of any of the requirements of any valid enforcement notice.

There has been no such enforcement notice, therefore, the granting of a Certificate of Existing Lawful Use or Development depends on the Applicant's evidence to prove that No. 1 & No. 2 Bincknoll Cottages have been used for an unrestricted residential use for at least a ten year period.

The information provided within his supporting statement is precise and unambiguous, therefore, supports the application for a Certificate of Existing Lawful Use or Development application.