



Cricklade Town Council

First Town on the Thames

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Cricklade Town Council's Planning, Conservation and Transport Committee 1st June 2026

PL/2026/02726 **Site:** Unit 6 Yard, Chelworth Lodge, SN6 6HP
Proposal: Commercial storage facility and associated access to it, lawful development
Applicant: Mr M Lindsey **Closing Date:** 05/06/26

This application seeks to demonstrate that the building and access road (shown in red) have been in commercial use for at least 10 years. We are not required to comment on the merits of the development but have the opportunity to produce any contradictory evidence that we are aware of. The building was granted planning consent in 17th April 2014 (WC reference 2014/02108) for agricultural use. The applicant now states that it has been used for commercial purposes.

We considered a similar Lawful Use application on 30th June 2025 for the larger site (not the whole area marked in blue) and our report submitted to WC (reference 2025/04540) is attached below. It concluded on the balance of probabilities that the area of hardstanding in front of the building had not been used for commercial purposes on a continuous and exclusive basis.

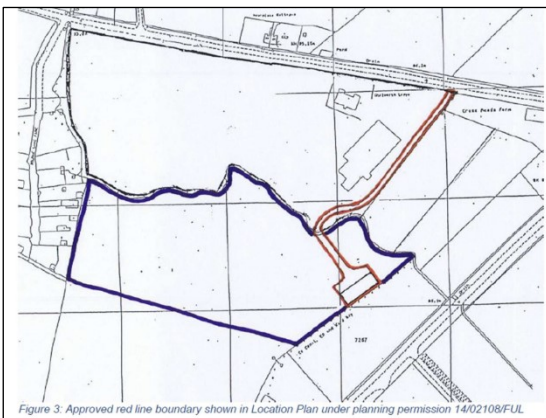


Figure 3: Approved red line boundary shown in Location Plan under planning permission 14/02108/FUL



That application was refused by Wiltshire Council who were in possession of site notes from visits of planning officers to the site as well as the aerial photograph evidence that we had seen.

Recommendation: Restate our opinion that continuous and exclusive commercial use has not been demonstrated for the requisite ten year period.

CTC Decision: Members **VOTED** unanimously to the above recommendation to **OBJECT** as outlined below in our previous response for PL/2025/04540 as it is our opinion that continuous and exclusive commercial use has not been demonstrated for the requisite 10 year period.



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Cricklade Town Council's Planning, Conservation and Transport Committee
30th June 2025

PL/2025/04540 - Unit 6 Yard, Chelworth Lodge, Cricklade SN6 6HP

Proposal: Certificate of Lawfulness for Existing Use or Development to regularise the existing use of a parcel of former agricultural land for commercial purposes

The application is made alongside an appeal against the refusal of application PL/2024/09385 for retrospective permission to use a field adjacent to the existing Chelworth Lodge industrial estate for commercial purposes.

This application is not a planning application in advance of development, but an Application for a Certificate of Lawfulness for Existing Use or Development. As such we are unable to comment on the planning merits or adherence with planning policy but only on the facts as to whether the land has been in continuous use for a period of years prior to the date of the application for the purposes which the application describes. Planning arguments against the development have already been made by CTC in response to the parallel Appeal.

In planning terms this is a change of use. The period that continuous use has to be demonstrated is ten years. This application was received by Wiltshire Council on 19 May 2025 therefore the applicant needs to demonstrate continuous use of the entire parcel of land in the application for commercial purposes from 20 May 2015.

Primarily on the applicant's own submitted evidence we can show that he has failed to demonstrate this for the entire parcel of land. It is worth considering the site area in two parts.

The applicant is shown at Land Registry as having purchased the field on 9 March 2013. Prior to this date aerial photography which is commercially available shows it to be entirely undeveloped. An area of hardstanding was immediately created which appears to show a turning area and hardstanding area running north west to south east. This is shown in commercially available aerial photography dated 5 September 2013. This same area shown in aerial photography submitted by the applicant dated 2014 attributed to Google Earth, but importantly this shows no vehicles parked in the area. Commercially available aerial photography dated 20 April 2016 shows substantially this same area, with some HGV trailers parked.

The remainder of the field is clearly still laid to grass on this April 2016 date. These areas clearly cannot have been used continuously for commercial storage purposes for the 10 years required prior to this application. The Google Earth 2017 photograph shows an extended area of hardstanding with HGVs parked to the north west of the hardstanding shown on earlier dates, but the evidence shows this part of the land was not used in this way before April 2016.

Continued agricultural use of this part of the land is further supported by the statements in an application of 8 September 2015 reference 15/08925/FUL which was for a small area of land to be converted into a menage for horses. The application clearly states the existing use of this land to be agricultural and that there are no parking spaces of any description existing or to be created as part of the 2015 application. Permission was granted but this development does not appear to have been implemented. CTC objected to this application on grounds of flood risk and impact on the landscape specifically noting that access

from the industrial area to this land raised concerns about increasing industrialisation of the land without permission.

Therefore the applicants own evidence shows that the area outside the hardstanding created in 2013 has not been used continuously for commercial purposes since 20 May 2015 and a Certificate of Lawfulness should not be granted for this area of the parcel of land.

A councillor's comment was noted, in that the WC Drainage report is somewhat flawed in only reporting groundwater risk without discussing the surface run off involved and that WC should reconsider the report.

Regarding the area of hardstanding, on 26 February 2014 an application was made for the erection of an agricultural building to be sited on the far east of the site. This current application makes reference to this earlier barn application reference 14/02108/FUL. In 2014 the applicant declares that the existing use of the land is agricultural, and that there are no existing parking spaces of any type of the site, nor are any proposed as a consequence of the barn development.

The Officer report in 2014 notes the existence of the hardstanding but states consent is sought for the erection of an agricultural building for the storage of agricultural machinery and animal foodstuffs and for animals who graze on the land to shelter in adverse weather conditions. CTC supported this application seeking a condition that the building was for agricultural use only and this condition was part of the grant of permission.

The Statutory Declaration made now by the applicant states:

"3. Immediately the land was acquired it has been used as a storage area for commercial vehicles owned by third parties who pay a rent for use of the land...Vehicles are mainly parked overnight and at weekends.

4. There is a large storage building on the site which was erected with planning permission in April 2014 together with associated hardstanding. The hardstanding has been increased over time to accommodate the parking of commercial vehicles. The use of the building is also for storage purposes associated with the commercial use of the land.

5. The land edged red on the plan has not been used for agricultural purposes since it was purchased in March 2013. The use in respect of the parking and storage of commercial vehicles commenced immediately following the acquisition of the land.

6. Therefore from my own personal knowledge as owner of the land and the commercial storage business the land edged red on the plan has been used as a commercial vehicle storage facility continually from March 2013."

Some supporting letters from customers have been attached to the Statutory Declaration. Some of these are ambiguous as they refer to the "land" or "yard at Chelworth Lodge" without specifically identifying the land of this application. However Trolley Maintenance Services (TMS) states: "We have been parking and using storage in the adjacent field since its purchase in 2013 and in 2014 a barn was erected [in the field] which we have been renting ever since." Richard Eddolls states: "I have been a tenant at Chelworth Properties for 26-27 years" therefore before the acquisition of this additional land and then "in the early part of 2013 I have been using the yard over the bridge for parking my lorries and trailers." Neither of these statements give evidence that the use has been continuous or exclusive and therefore this fails the test required for a Certificate of Lawfulness.

It therefore appears inconsistent for the applicant now to assert that this whole area of land was already being used continuously for commercial storage purposes prior to February 2014, and for the barn to have been used since its construction entirely for commercial storage, given its statements in its planning application in 2014 and 2015. If there are deliberate misstatements in a planning or lawfulness application, made in order to gain permission where permission would not otherwise be granted, then it appears questionable whether the 10 year rule should still be applied or a Certificate granted here.

Note the application also includes invoices purporting to evidence use of the land in the application for commercial storage. Some of these invoices pre-date the acquisition of the land and so must be

associated with the original industrial estate and some of these include merely the description "Rent" or "Parking". None of the early invoices specifically identify the land which is the subject of this application so their inclusion as evidence is ambiguous and should be disregarded.

Members unanimously VOTED an OBJECTION based on the applicants own inconsistent and contradictory evidence and supporting aerial photography. This is conclusive for the part of the land not given over to hardstanding in 2016, and on the balance of probabilities for the area of hardstanding.