

PLANNING STATEMENT

In Support of an Application for a Certificate of Lawfulness of Existing Use or Development (CLEUD)

- **Site:** Land at Clearway Garage, London Road, Salisbury, SP4 6DT
- **Proposal:** Use of a timber lodge as an independent, self-contained residential dwellinghouse (Use Class C3)
- **Date:** 8th July 2026

1. Introduction & Overview

1.1 This Planning Statement is submitted on behalf of Brian Leslie Adamson and Sarah Jane Adamson ("the Applicants") in support of an application for a Certificate of Lawfulness of Existing Use or Development (CLEUD) under Section 191 of the Town and Country Planning Act 1990 (as amended).

1.2 The application seeks to formalise and confirm the lawfulness of the continuous use of a timber lodge stationed at Clearway Garage as an independent, self-contained residential dwellinghouse (Use Class C3).

1.3 The evidence submitted comprehensively demonstrates that the timber lodge has been physically on site and continuously occupied for residential purposes without interruption since November 2017—a period of over 8 years. Accordingly, the breach has achieved immunity from enforcement action through the passage of time and is entirely lawful.

2. The Site and Physical Characteristics

2.1 The application site forms part of the land known as Clearway Garage, located on the A30 London Road, Salisbury.

2.2 The subject structure is a timber lodge positioned in the south-west corner of the land. The internal layout comprises a full kitchen, a fully equipped bathroom, a lounge area, and bedrooms. It contains all the facilities required to meet the day-to-day needs of domestic existence, thereby satisfying the legal definition of an independent, self-contained dwellinghouse.

2.3 The timber lodge is a permanent fixture on the site; it was fixed to the ground upon arrival, has never been moved, and remains in its original position. It is fully connected to primary household utilities, including a mains electricity connection, a mains water supply, bottled gas, and the site's communal foul drainage and waste disposal arrangements.

3. Chronicled History of Continuous Residential Occupancy

The uninterrupted residential use of the timber lodge spans over eight years, transitioning seamlessly across the following occupancy phases, as corroborated by the accompanying statements:

- **Phase 1: November 2017 – 15th September 2019 (Louella Adamson)** The timber lodge was brought to the site in November 2017. Louella Adamson was the first and sole primary occupant, residing in the lodge on a full-time basis for nearly two years until she returned to London.
- **Phase 2: 15th September 2019 – 2nd March 2023 (Louisa and John Sartin)** Upon Louella's departure, the tenancy was immediately taken over on the exact same day by Louisa and John Sartin, family friends who sought a higher quality of accommodation than their previous mobile home on the site. They occupied the lodge continuously until March 2023.
- **Phase 3: 2nd March 2023 – 27th June 2025 (Louise and 'Robbo' Roberts)** Louise and 'Robbo' Roberts moved into the timber lodge with their three children on the exact day the Sartins vacated. They lived there as their primary residence for over two years until moving out of the area in June 2025.
- **Phase 4: 27th June 2025 – Present (John Townsend & Sophie Haydock)** The current tenant, John Townsend, and his partner, Sophie Haydock, moved into the lodge immediately upon the vacancy in June 2025. Mr. Townsend works as a local agricultural farm worker, and the lodge serves as their independent domestic household.

3.1 Throughout all phases, there have been **zero vacant periods** between tenancies. The use has been open, unconcealed, and entirely apparent to any visiting parties, postal workers, delivery drivers, and commercial customers attending the wider site. Council tax has been actively paid on the unit since its installation in November 2017.

4. Legal Assessment and Relevant Enforcement Time Limit

4.1 The core legal issue is determining the correct statutory period required to achieve immunity from enforcement action. The Applicant submits that the correct statutory period is **4 years**, pursuant to the historic Section 171B(1) and (2) of the Town and Country Planning Act 1990 (as amended).

4.2 The Local Planning Authority is directed to Section 115 of the *Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024*. This legislation explicitly provides transitional protection for breaches of planning control that occurred before 25th April 2024.

4.3 As established by the accompanying evidence, the breach of planning control (the change of use of the land to an independent dwellinghouse and/or operational development) commenced in November 2017.

4.4 Accordingly, the development achieved full immunity from enforcement action under the then-applicable 4-year rule in **November 2021**. Because the breach was entirely completed, sustained, and immune years prior to the 25th April 2024 cutoff date, the transitional arrangements apply automatically. The application must legally be determined under the 4-year time limit.

4.5 *Without Prejudice to the Above*: Should the Local Planning Authority erroneously seek to apply a 10-year rule, the submitted evidence demonstrates that the timber

lodge has been continuously occupied as an independent dwellinghouse for over 8 and a half years. The use is rapidly approaching full 10-year immunity regardless. However, as a matter of law, the 4-year rule remains the correct statutory test.

5. Analysis of Evidentiary Weight

5.1 The standard of proof in an application for a CLEUD is the **"balance of probabilities"**. The court-established guidance in *Gabbittas v PVHA and Another [1985]* clarifies that if the applicant's evidence is clear, precise, and unambiguous, the Council should grant the certificate unless they have cogent, contrary evidence to contradict the applicant's version of events.

5.2 The Applicants have provided an extensive, unbroken trail of primary and secondary evidence, which includes:

- Five comprehensive statements from the freeholders, an on-site relative, and past/present occupants.
- Dated aerial photography (2020, 2021, 2023 and 2024) explicitly verifying the continuous, unaltered presence of the structure and its ancillary domestic curtilage/vehicular parking.
- The enforcement officer has firsthand knowledge of the timber lodge having existed in recent years.
- Official council tax confirmation data proving consecutive annual property tax alignment since November 2017.

5.3 The Local Authority possesses no evidence to counter this cohesive, multi-party material narrative.

6. Conclusion

6.1 It has been demonstrated on the balance of probabilities that the timber lodge at Clearway Garage has been continuously used as an independent, self-contained residential dwellinghouse since November 2017.

6.2 The development achieved immunity from enforcement action under the 4-year rule in November 2021 and retains full protection under current transitional regulations.

6.3 Consequently, the existing use is lawful within the terms of Section 191 of the Town and Country Planning Act 1990, and it is respectfully requested that a Certificate of Lawful Use be issued without delay.