

PLANNING STATEMENT



June 2025

25 Primrose Hill, Tockenham, Swindon, SN4 7PG

Application for certificate of lawfulness for the existing as-built extension to the dwellinghouse at 25 Primrose Hill.

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1. INTRODUCTION

- 1.1. Context Planning Ltd have been instructed to prepare and submit this application for a certificate of lawfulness for existing development to 25 Primrose Hill on behalf of the applicant, Mr Sameul Crosland.
- 1.2. The application seeks a Lawful Development Certificate for an existing development under the provisions of Section 191 (1)(a) of the Town and Country Planning Act 1990. This application seeks to establish that the erection of an extension to the residential dwelling known as 25 Primrose Hill has been complete for a period in excess of four years as to be lawful in planning terms.
- 1.3. This Planning Statement sets out the relevant factual history relating to the extension of 25 Primrose Hill, drawing on evidence presented in support of the application including:
 - Aerial imagery
 - Google Street View images
 - Corroboratory letter
 - Date stamped photographs
 - Council Tax correspondence
- 1.4. The application contains sufficient information to enable the Council to issue a certificate under Section 191 of the Act. For the reasons set out in this Statement, it is considered that, on the balance of probabilities, the applicants are entitled to the certificate sought.

2. THE SITE AND DEVELOPMENT

- 2.1.** This application relates to 25 Primrose Hill, a semi-detached residential property that is accessed from Primrose Hill. Please see the accompanying location plan for further details.
- 2.2.** In 1976 permission was granted (H/76/0760/F) for an extension to the property, please see Figure 1 below for the approved plans.

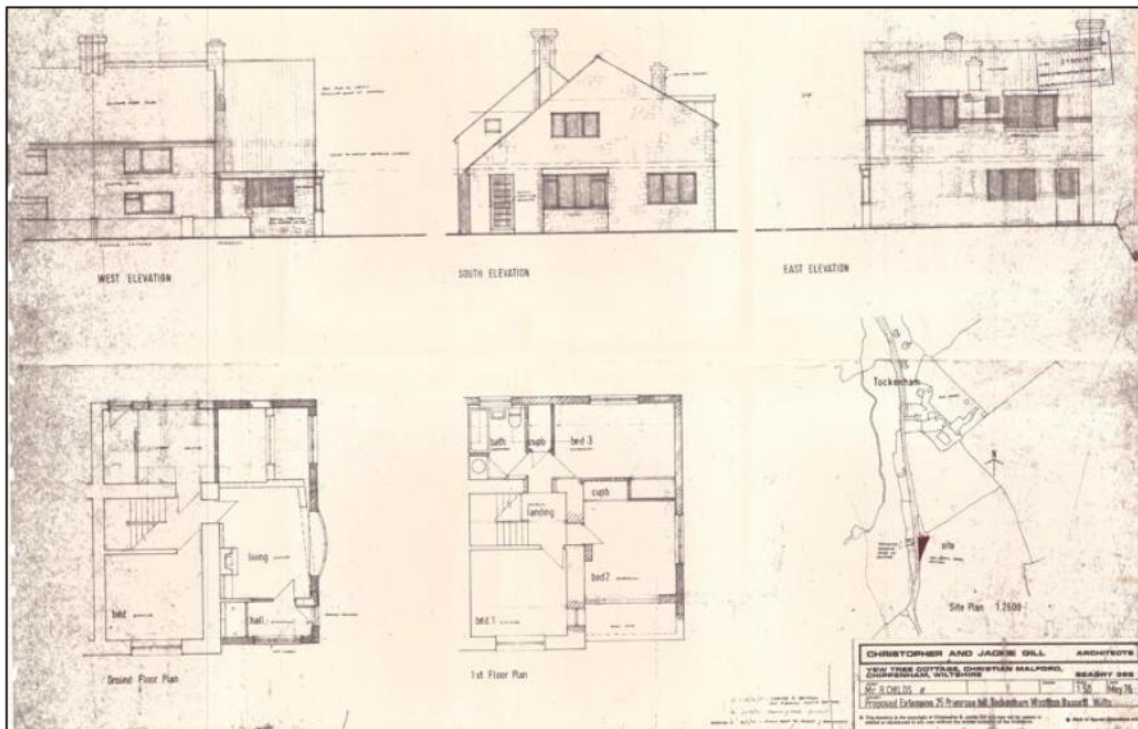


Figure 1- Approved plans H/76/0760/F.

- 2.3.** In 1979 a revised proposal with amendments to the window design was submitted to the Council and approved. The revised plans can be seen below in Figure 2.

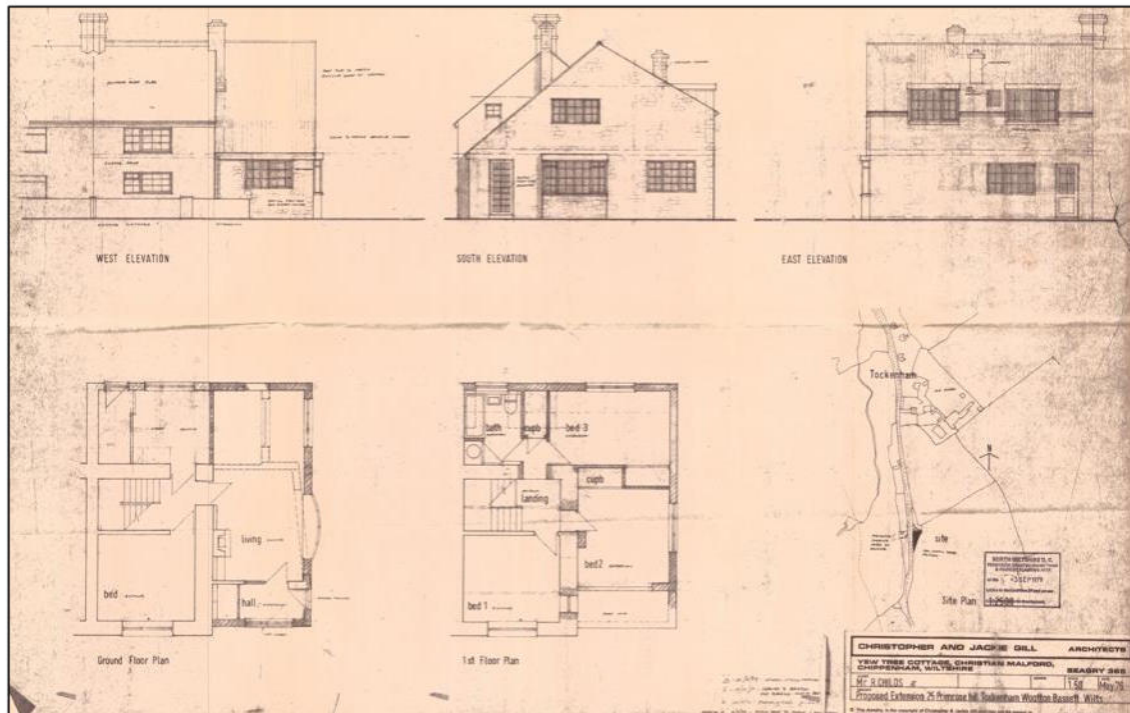


Figure 2- Amended approved plans to H/76/0760/F.

- 2.4. Works to build an extension were commenced by a previous owner in the 1980s however these were never substantially completed nor were they built in accordance with the approved plans, as will be discussed in further detail below.
- 2.5. The dwelling was purchased by the applicant in April 2020 who commenced works to build out the extension and completed it within 6 months. The applicant moved into the property in November 2020 once the building works were fully completed. The house and extension have remained occupied continuously since this date.
- 2.6. The existing elevations and floor plans of the dwelling (with the as-built extension) are supplied below in Figures 3-5.



Figure 3- Elevations of the dwelling (with the extension).

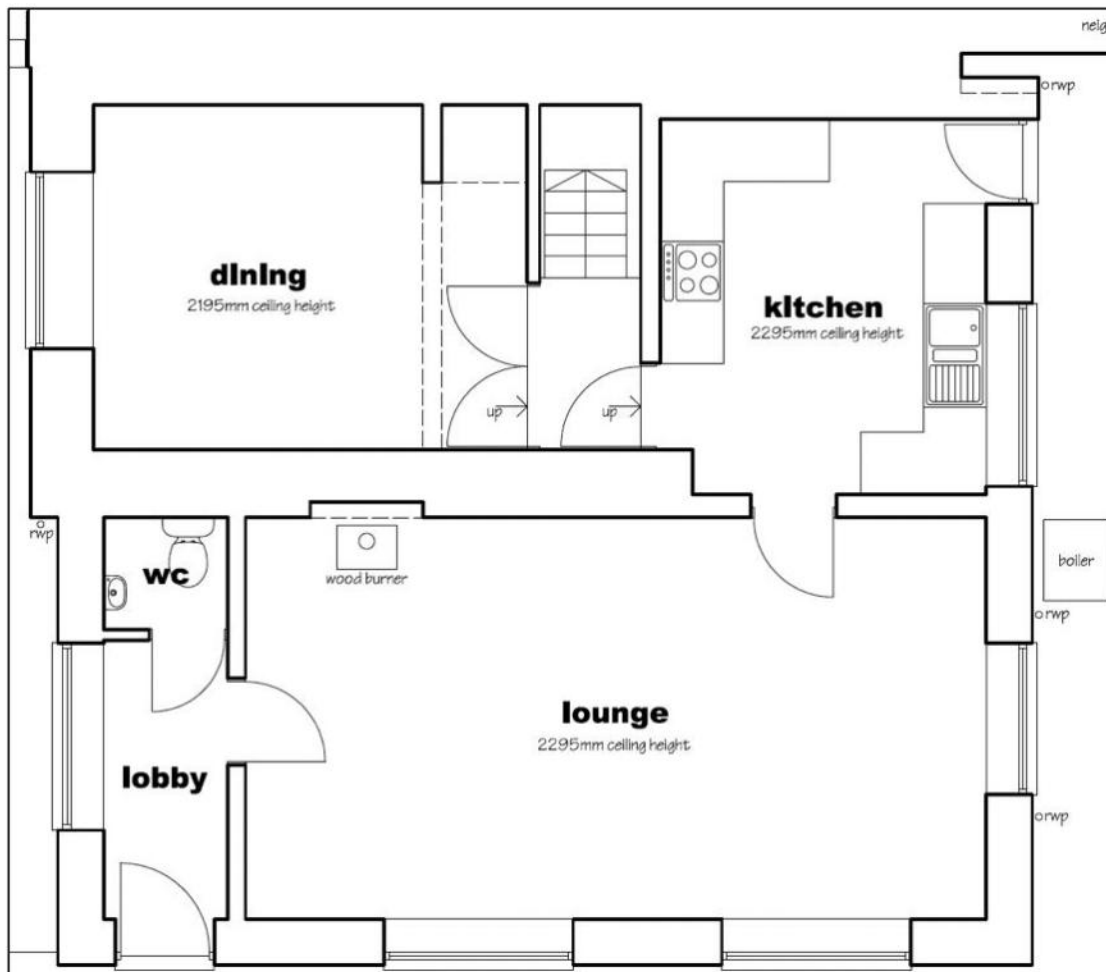


Figure 4- Ground floor plan.

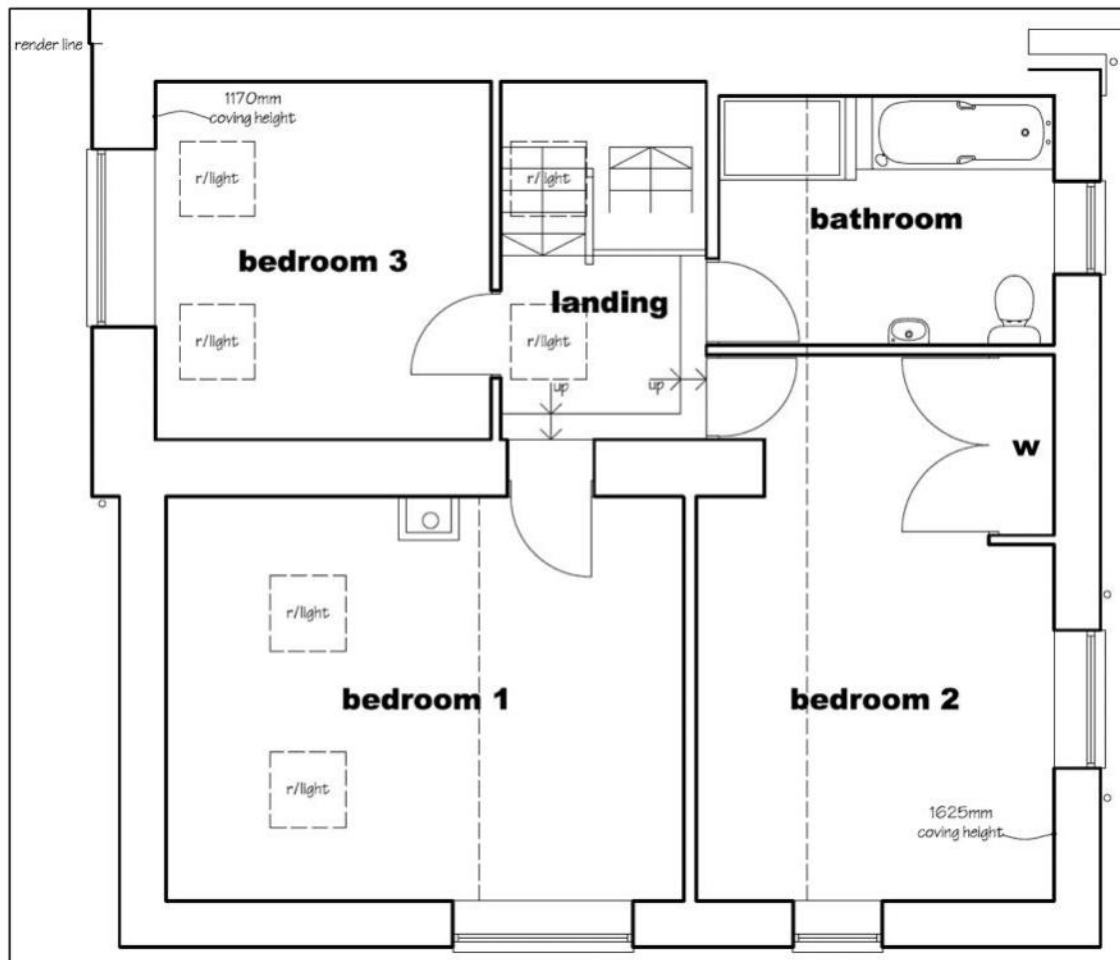


Figure 5- First floor plan.

- 2.7.** Although some extension works were begun by the previous owner, the development as carried out departs materially from that which was approved. As shown on the plans above there the extension as constructed differs from the approved 1979 plans in two main respects, first is that it is sited further forward than shown on the approved drawings, with a corresponding increase in depth. This change in siting and depth should be considered material, as it significantly alters the footprint and relationship of the extension to the dwelling beyond that assessed under the 1979 permission. And second, the fenestration of all three elevations differs from that approved, with changes to the window designs, placement, size and amount that are not shown on the approved plans.

- 2.8. As the development does not accord with the approved plans, it does not benefit from the 1979 permission and constitutes an unauthorised building operation for the purposes of section 55 of the Town and Country Planning Act 1990. Consequently, the relevant time limit for immunity from enforcement action is that set out in section 171B(1) of the 1990 Act is four years from the date of substantial completion of the building operation, rather than the ten-year period under section 171B(3), which applies to other breaches of planning control such as material changes of use or breaches of condition.
- 2.9. The evidence submitted with this application demonstrates that the building operation, as constructed (i.e. departing from the 1979 permission), was substantially completed by November 2020, more than four years prior to the date of this application, and that no further building operations have been carried out since that would restart the relevant period. The development has therefore become lawful by virtue of section 171B(1) and section 191(2) of the 1990 Act.

3. LEGISLATION AND GUIDANCE

Town and Country Planning Act 1990

- 3.1. Section 191 of the Town and Country Planning Act 1990 makes provision for an applicant to ascertain the lawfulness of any existing use of buildings or other land, or any operations which have been carried out in, on, over, or under land. Section 191 of the Town and Country Planning Act 1990 states that:

*“(1) If any person wishes to ascertain whether—
(a) any existing use of buildings or other land is lawful;
(b) any operations which have been carried out in, on, over or under land are lawful; or*

(c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.

(2) For the purposes of this Act uses and operations are lawful at any time if—

(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and

(b) they do not constitute a contravention of any of the requirements of an enforcement notice then in force”

3.2. Section 171B of the Town and Country Planning Act 1990 states that:

“(1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operation in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.”

3.3. For the purposes of the Act operations are lawful at any time if—

“(4) on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect”.

3.4. Section 191 of the Act states that the relevant test is the ‘*balance of probabilities*’, and authorities are advised that if they have no evidence of their own to undermine or contradict the applicant’s version of events, there is no good reason to refuse the application provided the applicant’s evidence is sufficiently precise and unambiguous to justify the grant of a Certificate.

Levelling-up and Regeneration Act (2023)

- 3.5.** Section 115 of the Levelling-up and Regeneration Act (2023) made amendments to some of the time limits for enforcement action on breaches in planning control, as set out in subsection 171B of the Town and Country Planning Act (1990).
- 3.6.** This change is not applicable to this application as the building work had begun and was completed prior to the 25th April 2024 and therefore the relevant time limit to assess this application against is 4 years not 10.

National Planning Practice Guidance (NPPG 2021)

- 3.7.** The appropriate tests for determining an application for a Lawful Use Certificate are set out in section 17c of the National Planning Practice Guidance (NPPG) which states:

"The applicant is responsible for providing sufficient information to support an application, although a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the planning status of the land. A local planning authority is entitled to canvass evidence if it so wishes before determining an application. If a local planning authority obtains evidence, this needs to be shared with the applicant who needs to have the opportunity to comment on it and possibly produce counter-evidence."

"In the case of applications for 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."

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- 3.8. The NPPG advises that the local planning authority: *“needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage in this particular application or appeal process”*.
- 3.9. On the basis of the above, it is necessary to determine, based on the balance of probability, whether the extension has been substantially completed for a period in excess of 4 years as to be lawful through the passage of time.

4. THE EVIDENCE AND ASSESSMENT

- 4.1. The following section will demonstrate that there is sufficient evidence, that the extension to 25 Primrose Hill has been substantially complete since November 2020 and therefore exceeds the 4 years as to be lawful through the passage of time.

Aerial imagery

- 4.2. The evidence section of this planning statement will begin with evidencing aerial imagery of the site which will demonstrate the timeline of the operational development on the site historically.
- 4.3. The earliest clear visual of the site is from 1999 which show the dwelling and some foundations of the extension (Figure 6), this view remains the same throughout the years up until 2019 (Figures 7-9).

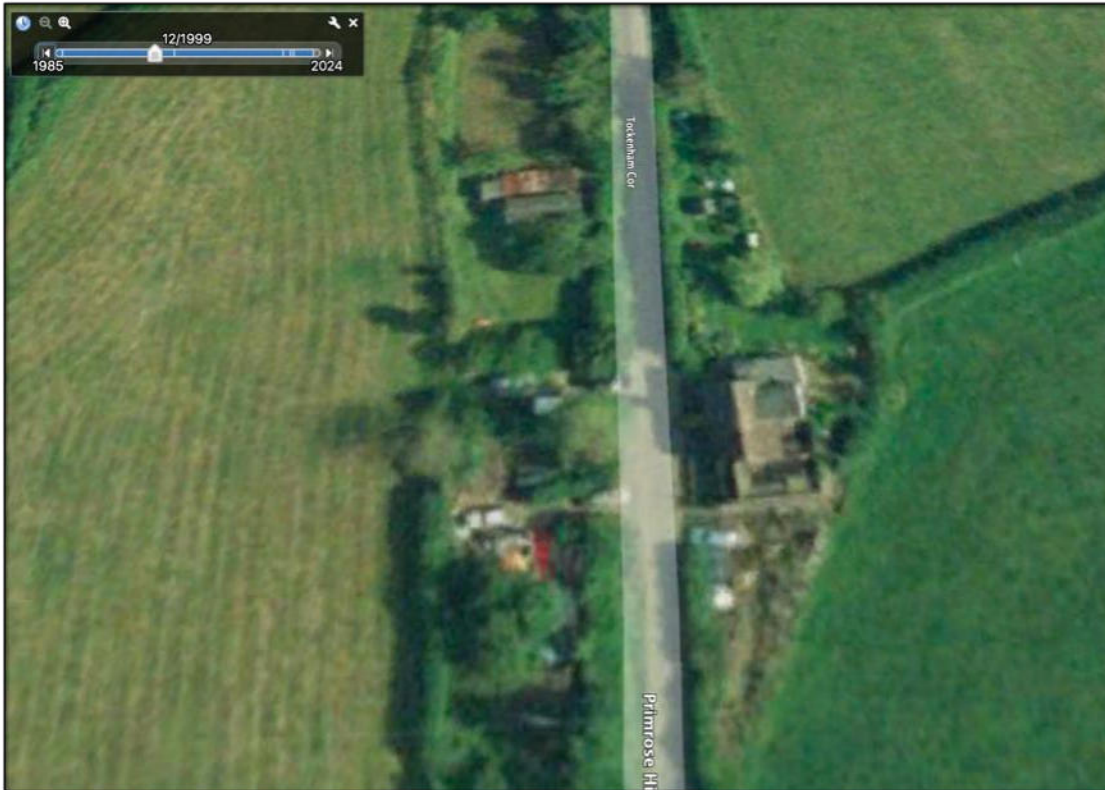


Figure 6- Aerial Image December 1999.

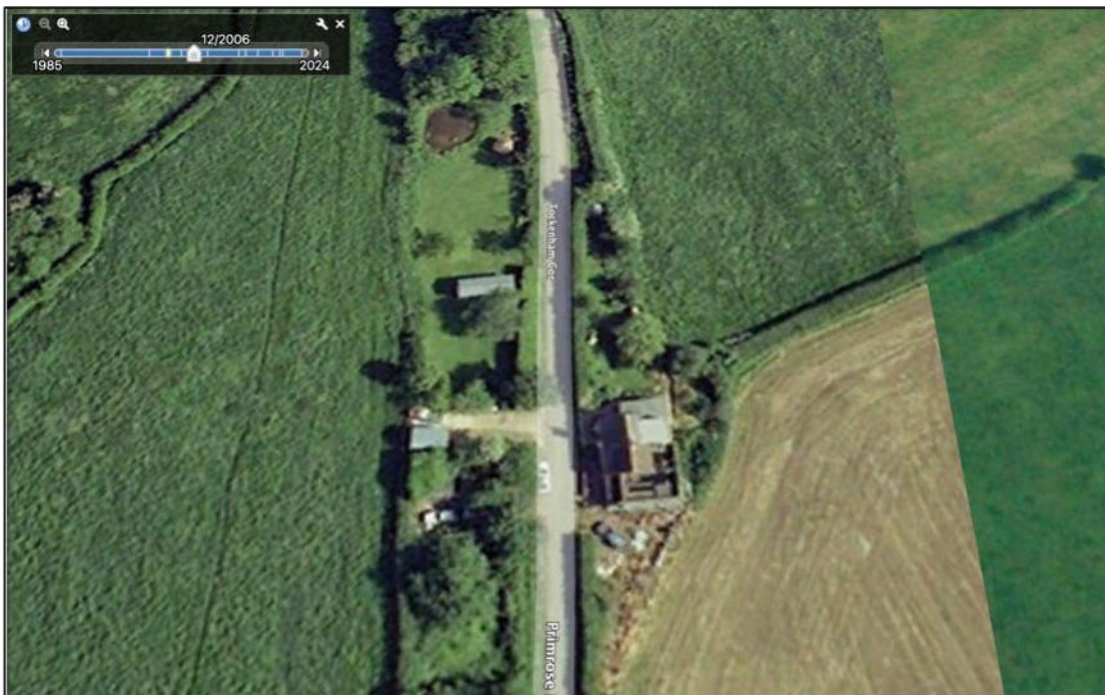


Figure 7- Aerial Image December 2006.



Figure 8- Aerial Image April 2015.

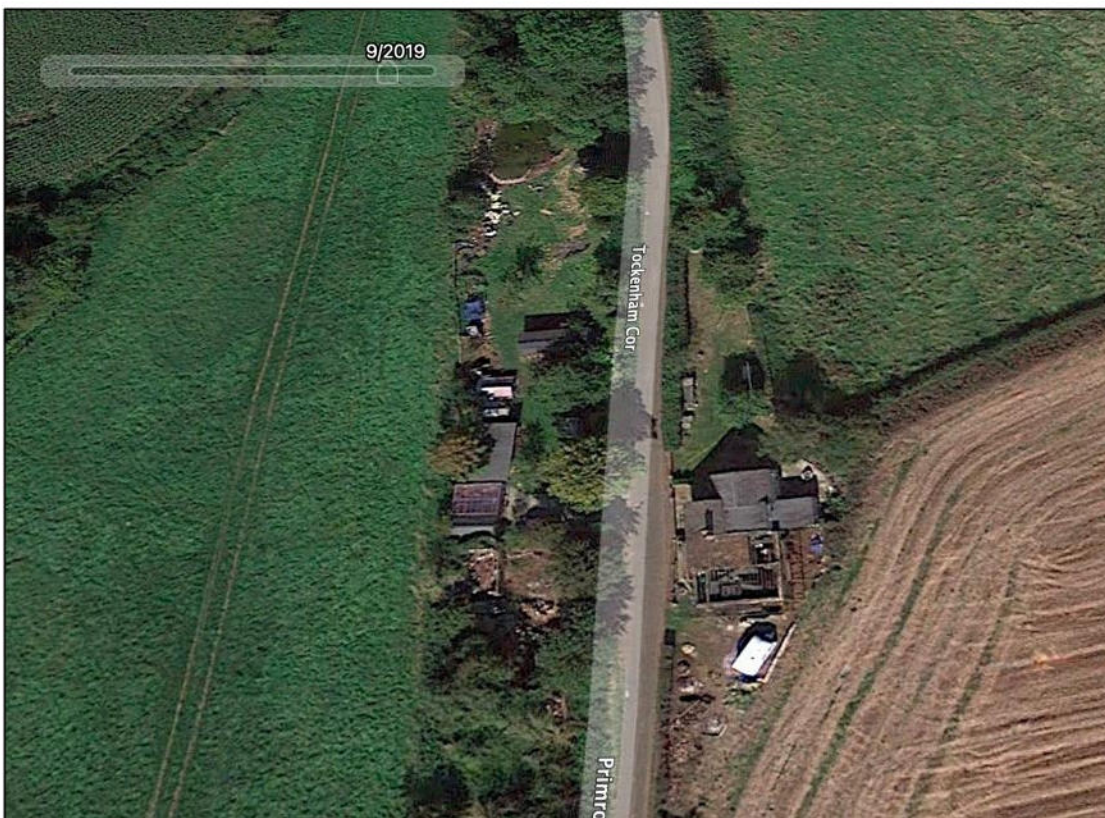


Figure 9- Aerial Image September 2019.

- 4.4. The 2020 aerial image (Figure 10) clearly evidences the extension being substantially completed and the subsequent aerial images (Figures 11 and 12) shows that this has remained in-situ.



Figure 10- Aerial Image September 2020.



Figure 11- Aerial Image April 2021.



Figure 12- Aerial Image April 2024.

- 4.5. The aerial imagery demonstrates that progress on the extension did not advance beyond the initial work completed by the previous owner until 2020, at which point the applicant acquired the property and brought the project to completion.

Google Street View:

- 4.6. The images below taken from Google Street View in 2009 (Figures 13 and 14) and 2023 (Figures 15 and 16) show the incomplete extension vs the finished extension. Figures 13 and 14 clearly evidence an incomplete extension that does not align with the 1979 amended permission in siting and size. Figures 15 and 16 from 2023 evidence the as-built extension and further evidence the material deviation from the 1979 permission. This timeline and visual appearance aligns with the images shown in the aerial imagery above.



Figure 13- Google Street View image from 2009.



Figure 14- Google Street View image from 2009.



Figure 15- Google Street View image from 2023.



Figure 16- Google Street View image from 2023.

Corroboratory letter

- 4.7. Submitted alongside this planning statement, in the documents for this application, is a corroboratory letter from applicant Mr Samuel Crosland who is the current owner and occupier of the property. As the owner and occupier of the site Mr Crosland has direct experience and knowledge and can corroborate the timeline of the building works and the subsequent use of the extension. His letter can be seen below in Figure 17.
- 4.8. He confirms the timeline from the time of the property transferring to his ownership in April 2020 to the works being substantially completed in November 2020 when he then moved into the property. He also references the Council Tax correspondence addressed later in the report.

Samuel Crosland
25 Primrose Hill
Tockenham
Swindon
Wiltshire
SN4 7PG

12/04/2026

To whom this may concern,

The property was purchased in April 2020. It was not in the best condition and needed renovation work. A large extension had been started in the 1970's following approved planning applications in 1975/1976. My understanding is, the works were started around this time, it was completed to above first floor joist level, then works were halted due to personal reasons, by the previous owner.

Following the purchase in April 2020, I notified Wiltshire council to confirm the building works would be resuming, as a result a building control officer was assigned to us, regular site visits were made and no concerns were raised.

The bulk of works were completed in 2020. Due to covid lockdown and furlough leave we were able to make good progress. I moved into the property 01/11/2020 after the extension had been made habitable, with the roof fitted, windows were in and there was heating. The moving in date is confirm by correspondence emails with Wiltshire council at the time, relating to council tax payments.

After the bulk of work was completed and I had moved in, life quickly returned to normal, furlough leave finished and I was in less of a rush to finish the cosmetic parts. After focus shifted from the house, I didn't feel any urgently to chase building control for sign off paperwork/inspection.

In 2025, I realising if building control was not signed off within a 5yr period, if requested they could charge additional fees. With this in mind, they were contacted to complete the sign off paperwork around July 2025.

Kind regards

Samuel Crosland

Figure 17- Corroboratory letter from Mr Sameul Crosland.

- 4.9.** Mr Crosland's letter corroborates the timeline outlined in this planning statement and confirms that the building had been substantially completed in excess in 4 years as to be lawful through the passage of time.

Date stamped photographs:

- 4.10.** Four photographs of the dwelling are shown below with date stamps to verify when they were taken. Figures 18 and 19 show work to the extension being completed in June and September 2020. Figures 20 and 21 show the completed works in November 2020 and January 2021.

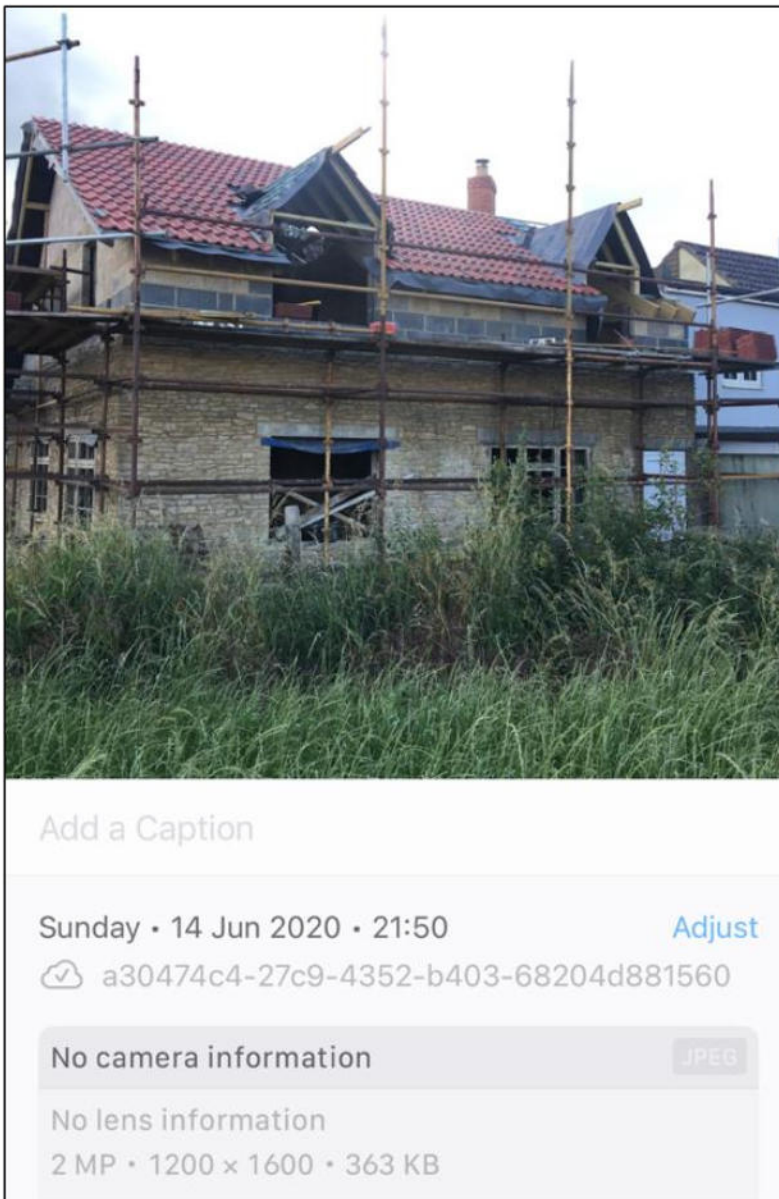


Figure 18- image of works to the extension in June 2020.



Add a Caption

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No camera information

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Figure 19- image of a delivery lorry delivering materials for the works to the extension in September 2020.

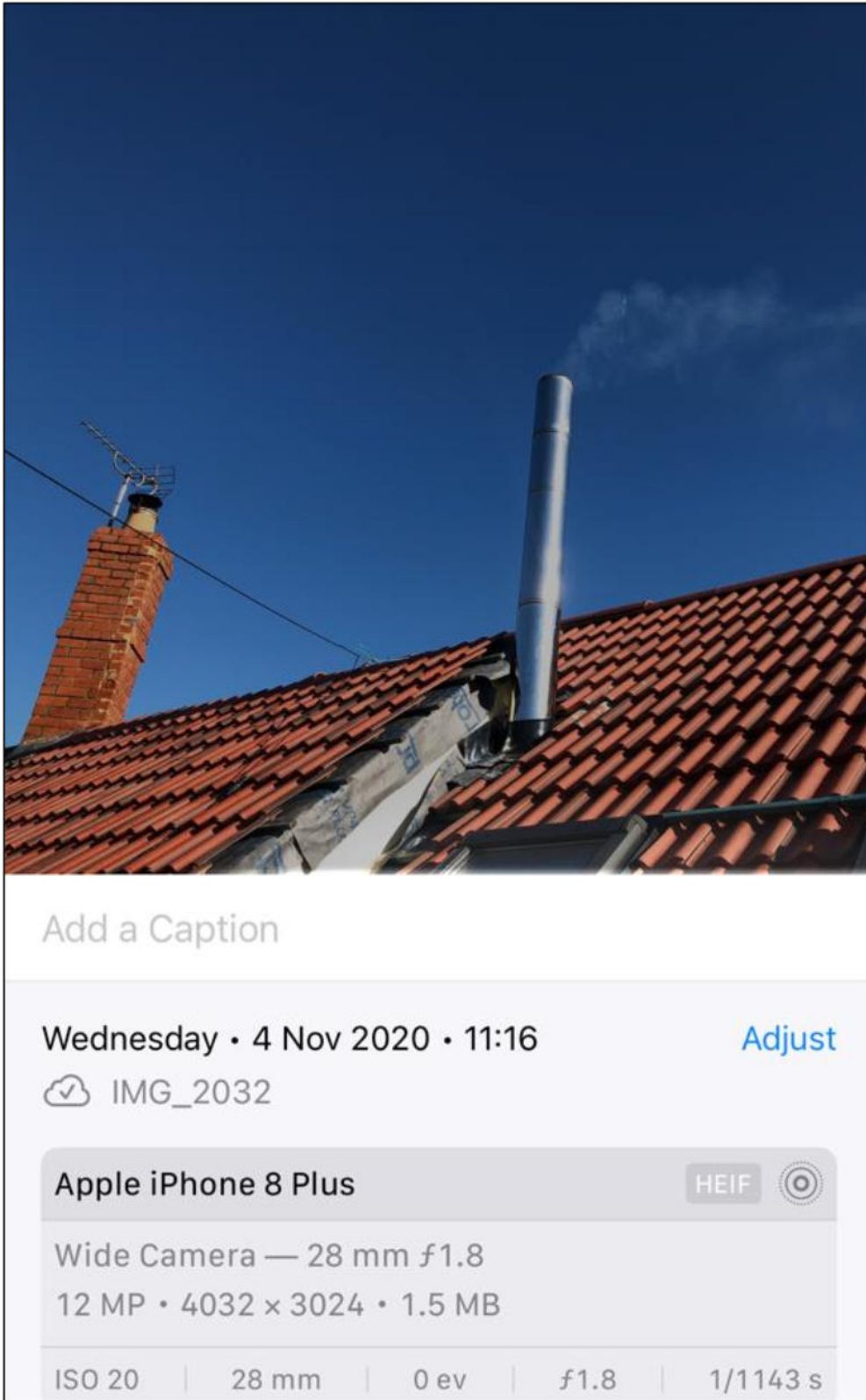


Figure 20- image of completed roof and chimney works in November 2020.

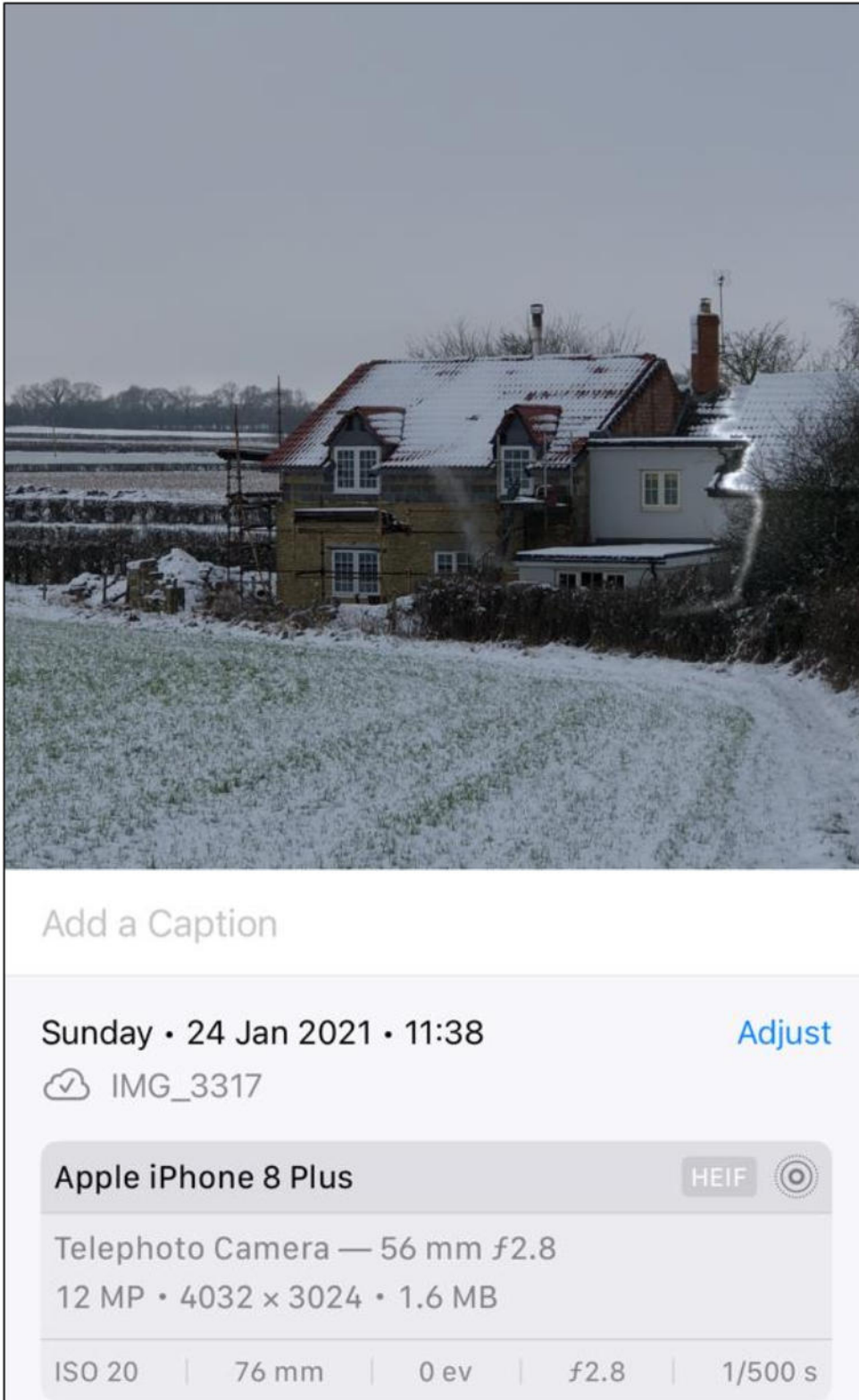


Figure 21- image showing the completed works from the rear elevations.

- 4.11. These photos demonstrate the dwelling and extension pre-completion and post-completion and unequivocally evidence the timeframes that these took place in which are all in excess of 4 years ago as to be lawful through the passage of time.

Council Tax correspondence:

- 4.12. In the accompanying documents of this application, you will find correspondence between the applicant and Wiltshire Council's Council Tax team regarding the billing of Council Tax for the dwelling.
- 4.13. Mr Crosland confirms in the email exchange in 2021 (Figures 22 and 23) that the property was transferred into his ownership on the 30th of April 2020 and that he begun to occupy the dwelling in November 2020 after works to the extension had been completed.

From: Sam Crosland
Sent: 18 February 2021 11:40
To: counciltax@wiltshire.gov.uk <counciltax@wiltshire.gov.uk>
Subject: Council Tax Query: [REDACTED] 25 Primrose Hill, Tockenham.

Good Morning,

I have recently received an invoice for council tax from April 2020 to March 2021 for the total amount of £[REDACTED]

The property was purchased by myself in April 2020, however it was not habitable due to many years of neglect. There was no roof, windows, doors, bathroom, kitchen etc.
Building work was undertaken over the summer and I was not able to move into the property until 1st November.

From 1st November to 10th of February I was living alone (single person occupancy).

A second person moved into the property on the 10th February (single person discount to be removed from this point forward)

May you kindly update the invoice and provide a breakdown of the amended total?

Many thanks

Sam Crosland
[REDACTED]

Figure 22- Email to the Council Tax team.

From: Sam Crosland [REDACTED]
Sent: 12 May 2021 12:25
To: CouncilTax <CouncilTax@wiltshire.gov.uk>
Subject: 25 Primrose Hill, Tockenham ref.720003983315.

Good Morning,

Our house was purchased on 30th April 2020 and I believe payment was made for the complete month of April in error. Could you please arrange for this pro-rated difference to be credited against this years(2021/2022) invoice ref. [REDACTED]

(Screenshot below showing the property transferred to us on the 30/04/20)

Any issues or queries, please do not hesitate to contact me.

Kind Regards

Sam Crosland

Figure 23- Email to the Council Tax team.

- 4.14. In the response from the Council (Figure 24), you can see that they confirm that a single person discount was applied to the property from the 1st of November when the applicant first moved into the dwelling.

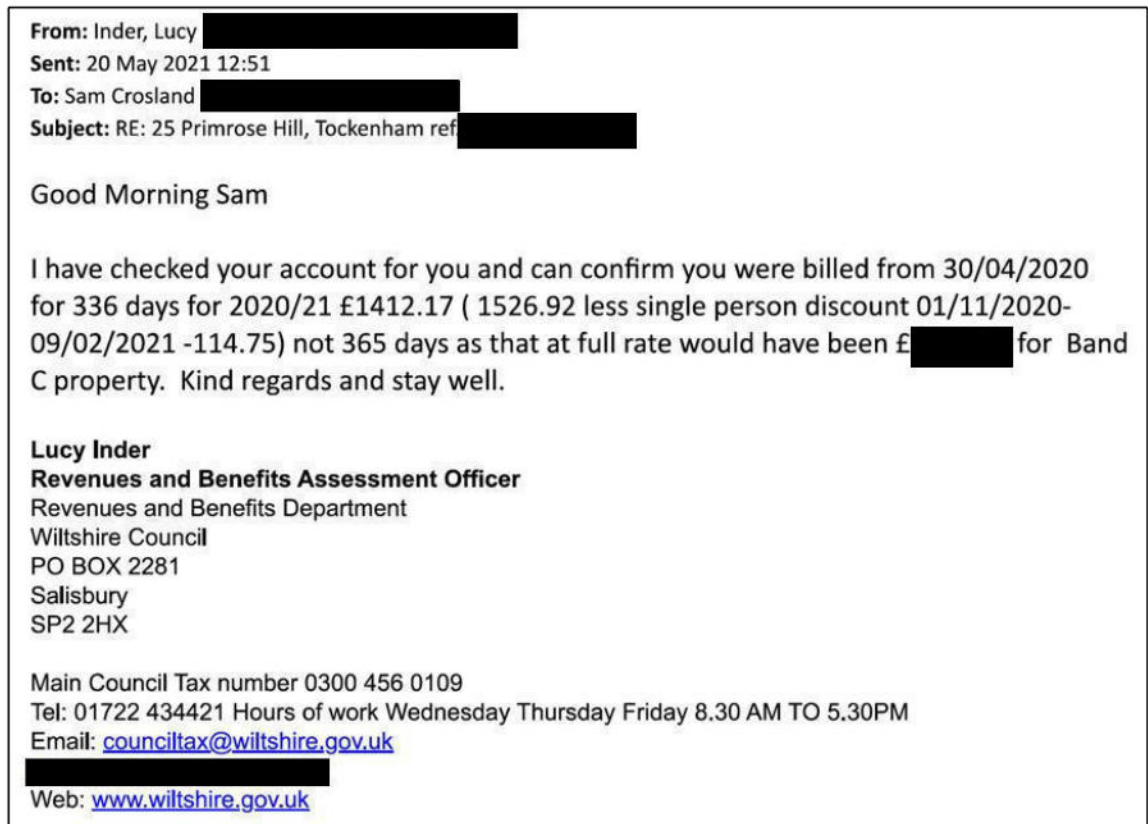


Figure 24- Council's response.

- 4.15. This corresponds with the timeline outlined in the rest of the statement and further corroborates the evidence that the dwelling was substantially completed by November 2020 as this was when the property became occupied.

5. CONCLUSION

- 5.1. As established earlier in the report, the as-built extension substantially deviates from the 1979 permission and should be regarded as materially different. The

relevant time period to assess the application against is 4 years

- 5.2.** The evidence that accompanies this certificate of lawfulness application, including aerial and street view imagery, a corroboratory letter, date-stamped photographs and Council correspondence that unequivocally establishes that the extension was substantially built and occupied from November 2020 onwards. Therefore, demonstrating that the extension has been completed and in situ for a period in excess of 4 years as to be lawful through the passage of time.
- 5.3.** The evidence in support of this application is considered to be sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability. As such, the development is considered lawful for planning purposes in accordance with Section 171B of the Town & Country Planning Act 1990. For the above reasons a certificate of lawfulness should therefore be issued.