

Development Management Team
Wiltshire Council
County Hall,
Bythesea Road,
Trowbridge, BA14 8JN

Email: admin@nalawsolicitors.co.uk
Our ref: NAKB2191
Date: 30th June 2026

Sent by online portal submission

Re: Application for a Certificate of Lawful Existing Use or Development under Section 191 of the Town and Country Planning Act 1990

Site: Kingsbury MOT Centre, Kingsbury Square, King Street, Melksham, Wiltshire SN12 6HL
Applicant: Kingsbury M.O.T Centre Limited (Company No. 16746369)

Dear Sir / Madam,

We act as solicitors for and on behalf of Kingsbury M.O.T Centre Limited (Company No. 16746369) ("the Applicant"). We write to provide legal representations in support of the Applicant's application for a Certificate of Lawful Existing Use or Development ("CLEUD") pursuant to section 191 of the Town and Country Planning Act 1990 ("the 1990 Act"), the application and supporting documents having been submitted via the Council's online portal.

1. Nature and Scope of the Application

The Applicant applies for a certificate confirming that the following use of the above premises is lawful for the purposes of planning control:

Use of the premises known as Kingsbury MOT Centre, Kingsbury Square, King Street, Melksham SN12 6HL as an MOT testing station and associated vehicle testing and repair workshop, on a continuous basis.

The Applicant relies on section 191(1)(a) of the 1990 Act, namely that the existing use of the land described above has continued for a period exceeding ten years without the benefit of planning permission (or in circumstances where any permission was granted and has long since been implemented without relevant breach), and accordingly the use has become lawful by passage of time.

Principal Solicitor: Najma Ali

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The Applicant seeks written confirmation from Wiltshire Council that the use is lawful, which is required by the Driver and Vehicle Standards Agency ("DVSA") as part of the Applicant's MOT testing station approval process under the Vehicle Testing Regulations.

2. The Site

The site is located at Kingsbury Square, King Street, Melksham, Wiltshire, SN12 6HL. It forms part of a commercial premises historically used for motor trade, vehicle testing, and vehicle repair purposes. The site is currently occupied and operated by Kingsbury M.O.T Centre Limited as an MOT testing station.

The site has been in continuous use as an MOT testing station and associated vehicle repair workshop since at least 1 May 1998, when a tenancy agreement was entered into between Tippedge Limited (landlord) and Sanmax Motor Engineers. Documentary evidence of continuous MOT testing activity is available from June 2003, comprising an unbroken run of MOT calibration certificates through to October 2025, together with DVSA records confirming that the last MOT test at the site took place on 23 June 2025.

3. Planning History and Basis of Claim

It is understood from the Applicant's records and from enquiries made with the Council's Development Management team that:

There are no current enforcement notices affecting the site in relation to the vehicle testing or repair use.

The Council has confirmed, following our earlier correspondence, that it is unable to provide informal written confirmation of lawful use and that a formal CLEUD application is required.

The Applicant's evidence demonstrates that the use as an MOT testing station and vehicle repair workshop has continued without interruption from at least 1 May 1998 to the present date (June 2026), representing a period of more than 28 years of continuous use.

On the balance of probabilities, and applying the standard of proof applicable to CLEUD applications under section 191 of the 1990 Act, the evidence demonstrates that the use has been continuous and uninterrupted for well in excess of the 10-year period required for lawfulness under the 1990 Act as it applies to this use class. There are no matters known to the Applicant that would indicate any abandonment, material change, or cessation of the use during the relevant period.

For the avoidance of doubt, and so that the Council has the full picture, the Applicant addresses below the short interruption in MOT testing activity that occurred in 2025. MOT testing at the site was briefly paused in or around June 2025 following the departure of the previous operator, the last recorded MOT test having taken place on 23 June 2025. The Applicant took occupation of the site in October 2025 and has since been engaged in reinstating MOT testing, the present application being a necessary step in that process.

This short interruption does not amount to abandonment of the established lawful use. It is well established that whether a use has been abandoned is a question of fact and degree, to be determined by reference to four principal factors: the physical condition of the premises, the length of the period of non-use, whether there has been any intervening use, and the intention of the owner

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or occupier. Applying those factors here, the interruption was brief; the premises were at no point put to any different or inconsistent use; the physical fabric and testing equipment of the workshop remained in place; and there was at all times a continuing intention to maintain the motor trade and MOT testing use, as demonstrated by the Applicant taking occupation and promptly acting to reinstate testing. The wider vehicle repair and servicing use continued throughout. A temporary cessation of one element of a composite motor trade use, pending a change of operator and with a clear intention to resume, does not constitute abandonment of the established lawful use, which accordingly subsists.

4. Summary of Evidence Submitted

The following evidence has been submitted in support of this application via the Council's online portal:

Item No.	Document	Relevance
1	Red-edged OS site location plan (01_OS_Site_Plan_SN12_6HL)	Identifies the application site
2	Tenancy Agreement dated 12 November 1998, commencing 1 May 1998 - Tipedge Limited and Sanmax Motor Engineers (03_Tenancy_1998_Tipedge_Sanmax)	Establishes motor trade use and occupation pre-dating the 10-year threshold
3	Previous tenant's tenancy agreement for the premises (04_Tenancy_Previous_Tenant)	Additional evidence of continuous occupation and motor trade use
4	DVSA confirmation of last MOT testing date, 23 June 2025 (06_DVSA_Last_Test_Confirmation)	Confirms MOT testing activity at the site
5	DVSA V9 records for the MOT testing station (07_DVSA_V9_Records)	Confirms DVSA authorisation of MOT testing at the site
6	MOT calibration certificates, continuous run June 2003 to October 2025 (08_MOT_Calibration_Certs_2003_2025)	Continuous run of annual certificates confirming active MOT testing use throughout the relevant period
7	Signed statement of Ms Katherine Mary Braund, Director, dated 12 April 2026 (09_Statement_Katherine_Braund)	First-hand evidence of continuous use, history, and occupation
8	Landlord consent letter on behalf of Tipedge Limited, freehold owner (11_Landlord_Consent_Tipedge)	Confirms landlord's consent to current use and occupation
9	Statement of Ms Diana Norris, Tipedge Limited (landlord), dated 30 June 2026	Corroborative evidence from the site owner and landlord confirming history of continuous use since 1998

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10	Statement of Mr Paul Woolford, Impact Body Repairs, Kingsbury Square, Melksham, dated 9 April 2026 (12_Statement_Paul_Woolford)	Third-party corroborative evidence of continuous motor trade activity at the site
11	Utility bill evidencing occupation of the premises (13_Utility_Bill)	Corroborates current occupation of the premises

We are content to provide any further evidence the Council may reasonably require to determine this application.

5. Landlord Notice

Pursuant to article 12 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Applicant has served notice on the owner / landlord of the site. Notice was served on 8 April 2026. Evidence of service is available on request.

6. Application Fee

The application fee of £610 has been / is to be paid directly by the Applicant, Kingsbury M.O.T Centre Limited, in accordance with the Council's portal payment process.

7. Contact for Correspondence

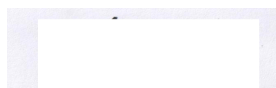
All correspondence in connection with this application should be directed to this firm. We are available to discuss any aspect of this application at your convenience.

8. Request for Determination

We respectfully request that the Council determine this application and issue a Certificate of Lawful Existing Use or Development confirming that the use of the site as an MOT testing station and associated vehicle testing and repair workshop is lawful for planning purposes.

We confirm that all information provided in this application and supporting evidence is accurate and complete to the best of our knowledge and belief.

Yours faithfully,



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