

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR EXISTING USE

APPLICATION REFERENCE:	PL/2026/02372
APPLICATION TYPE:	Lawful development: Existing use
SITE ADDRESS:	The Old Tractor Shed, Bradley Lane, Holt, Trowbridge, BA14 6QE
DEVELOPMENT DESCRIPTION:	Certificate of Lawfulness for Existing Use to confirm that the dwelling known as The Old Tractor Shed, Bradley Lane, was substantially completed before the expiry of three years from the date of approval of application 20/07474/PNCOU.
RECOMMENDATION:	Certificate of Lawfulness for Existing Use or Development be granted

SITE DESCRIPTION AND PROPOSAL

This application is for a Certificate of Lawfulness for an Existing Use or Development (CLUED) under Section 191 of the Town and Country Planning Act 1990 (as amended). The applicant seeks to establish the lawfulness of whether the formation of a dwelling approved under prior approval application 20/07474/PNCOU (Determination if prior approval is required for a proposed Change of Use of an Agricultural Building to a Dwellinghouse (Class C3), and for building operations reasonably necessary for the conversion. (decision date 13/10/20)) has been substantially completed before 13/10/2023.

RELEVANT LEGISLATION AND CONSIDERATIONS

The statutory framework governing Certificates of Lawfulness for Existing Use or Development (CLUED) is primarily set out in Section 191(2) of the Town and Country Planning Act 1990 (as amended). This section establishes that "lawful development" refers to development against which no enforcement action may be taken and where no enforcement notice is in force, or development for which planning permission is not required.

Section 191(4) of the Town and Country Planning Act 1990 (as amended) further stipulates that a Local Planning Authority (LPA) shall issue a Certificate of Lawfulness upon request, provided that, on the balance of probabilities, the LPA is satisfied that the existing development or use described in the application is lawful.

The Planning Practice Guidance (PPG) on [Lawful development certificates](#) clarifies that the burden of proof lies with the applicant. It is the applicant's responsibility to provide sufficiently clear, precise, and unambiguous evidence to demonstrate the lawfulness of the existing development or use.

Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) under Condition Q.2 (4) of the GPDO states:

"Development under Class Q is permitted subject to the condition that development under Class Q(a) and (b) or (c), if any, must be completed within a period of 3 years starting with the prior approval date."

The objective of this application is to demonstrate, through a balance of probabilities, that the development was "completed" within the period of three years i.e. before 13/10/23.

REPRESENTATIONS

There is no legal obligation to consult third parties for this type of application, including Town/Parish Councils or neighbouring properties. However, the PPG recognises that it may be reasonable for a local planning authority to seek evidence from these sources, if there is good reason to believe they may possess relevant information about the content of a specific application.

Holt Parish Council: Holt Parish Council supports this application. The proposal seeks formal confirmation of lawful residential status for a conversion understood to fall within permitted development rights under Class Q, and Holt Parish Council has no objection to the application for a Lawful Development Certificate.

RELEVANT SITE HISTORY

20/07474/PNCOU – Determination if prior approval is required for a proposed Change of Use of an Agricultural Building to a Dwellinghouse (Class C3), and for building operations reasonably necessary for the conversion. – Prior Approval Not Required (decision date 13/10/20)

ASSESSMENT

The applicant must demonstrate with unambiguous evidence, on the balance of probabilities, that the use or development is lawful by providing sufficient and clear evidence.

Evidence Submitted by the Applicant

Planning Statement dated May 2026 (which includes photographic evidence of constructed building)

Building Regulations Final Certificate dated 16/6/22

Plans – as constructed

Council Evidence

Council aerial photographs have been reviewed and those dated 2020 seem to indicate a building where no works have commenced while the latest photographs (updated Jan 2026) seem to indicate completion of works with the rear of property converted to hardstanding and containing residential paraphernalia as detailed in the submitted photographic evidence.

Assessment

Submitted photographs indicate the building has been constructed but not when it was constructed.

The submitted final certificate indicates the scheme was signed off dated 16/6/22 and substantially completed on this date

Council aerial photography indicates the building was completed before Jan 2026.

Therefore, the 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.

As such it is considered, on the balance of probabilities, that the dwelling known as The Old Tractor Shed, Bradley Lane has been substantial completed before 13/10/23 and the development complies with Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Condition Q.2 (4) in that the building was substantial completed before 13/10/23.

The application for a Certificate of Lawfulness for an Existing Use is recommended for approval.

CONCLUSION

On the balance of probability, sufficient evidence has been provided to demonstrate that that the dwelling known as The Old Tractor Shed, Bradley Lane has been substantial completed before 13/10/23.

As there is no clear or unambiguous evidence to the contrary submitted to or readily available to the Council, and as no formal enforcement action has been taken by the Council, it is recommended that on the balance of probability, a certificate of lawfulness be issued.

RECOMMENDATION

It is recommended that a Certificate of Lawfulness for Existing Use or Development be granted.