
Red House Farm, Hindon

Certificate of lawfulness for an existing use of a dwellinghouse (Class C3 within the Town and Country Planning (Use Classes) Order 1987)

SUPPORTING STATEMENT

August 2026

Version: 1

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1.0 Introduction

- 1.1. This statement has been produced in support of an application made under section 191 of the Town and Country Planning Act 1990 for a lawful development certificate in relation to the existing use of a dwellinghouse shown on the attached plan. It has been used as a self-contained dwellinghouse since 2017 and has thereafter been in continues use as such (See attached statutory declaration).
- 1.2 This application provides information in the form of evidence and explanation, which together support the application.
- 1.3 The application of a certificate of lawfulness is accompanied by:
 1. Signed statutory declaration comprising:
 - When the owners purchased the property.
 - When it became a self-contained dwelling.
 - Rental agreements from occupants.
 - Information for works and marketing between tenancies.
 2. Plans and drawings completed by RDP comprising:
 - Existing Block Plan & Location Plan (drawing ref. Block.01)
 - Proposed Block Plan (drawing ref. Block.02)
 - Existing Elevations (drawing ref. Elevs.01)
 - Proposed Elevations (drawing ref. Elves.02)
 - Existing Floorspace (drawing ref. Plans.01)
 - Proposed Floorspace (drawing ref. Plans.02)

2.0 Site and Surrounds

- 2.1 The application site extends to approximately 50m² and is located within the administrative area of Wiltshire Council, in the village of Hindon.
- 2.2 The site is situated within Flood Zone 1 and is therefore at the lowest risk of flooding from rivers and the sea. The site is also not identified as being at risk of surface water flooding during a 1 in 100-year rainfall event and is not affected by groundwater flooding.
- 2.3 Hindon is a sustainable rural settlement with access to a range of local services and facilities, including a primary school, doctor's surgery, village store, post office, public house and church. In addition, a bus stop is located directly outside the property, providing services to Salisbury, Gillingham and Shaftesbury.
- 2.4 Access to the site is obtained via a shared private drive from Stops Hill Road, which also serves Red House Farm. The surrounding area is characterised by a mix of residential properties and rural land uses, reflecting the established character of the village edge location.

3.0 Permitted Development (PD) Rights

- 2.1 An online search of the planning history revealed no evidence of conditions, which might otherwise serve to remove permitted development rights accrued under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order.

4.0 Transitional Arrangements

- 4.1 This application is submitted pursuant to the transitional arrangements applicable to Certificates of Lawful Existing Use or Development. The evidence provided within the Statutory Declaration demonstrates that the building has operated as a self-contained dwelling continuously since February 2017. Under the transitional arrangements, the four-year rule applies to dwellinghouses substantial completed prior to the 24th of April 2024. Given that the use has continued for a period significantly exceeding four years prior to that date, it is lawful through the passage of time and therefore immune from enforcement action.

5.0 National Planning guidance

- 5.1 Advice relating to LDCs is provided by the Government's Planning Practice Guidance (PPG). This establishes that the applicant is responsible for providing sufficient information to support an application.
- 5.2 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. A local planning authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is lawful. Planning merits are not relevant.
- 5.3 This application is accompanied by a signed Statutory Declaration, which includes tenancy agreements and supporting evidence demonstrating continuous occupation of the dwelling from February 2017 to the present day.

6.0 The development Plan

Wiltshire core strategy adopted January 2015

- 6.1 Core Policy 45 (Meeting Wiltshire's housing needs): Seeks to ensure an adequate supply of housing to meet local needs. The application property has operated as a two-bedroom self-contained dwelling since February 2017 and therefore already contributes towards the local housing stock. The granting of a Certificate of Lawful Existing Use would recognise and secure the continued use of the property as residential accommodation, supporting the objectives of the policy.
- 6.2 Core Policy 48 (Supporting Rural Life): states that:

'... Conversion and re-use of rural buildings Proposals to convert and re-use rural buildings for employment, tourism, cultural and community uses will be supported where they satisfy the following criteria:
 - i. *The building(s) is/are structurally sound and capable of conversion without major rebuilding, and with only necessary extension or modification which preserves the character of the original building.*
 - ii. *The use would not detract from the character or appearance of the landscape or settlement and would not be detrimental to the amenities of residential areas.*
 - iii. *The building can be served by adequate access and infrastructure.*
 - iv. *The site has reasonable access to local services.*

- v. *The conversion or re-use of a heritage asset would lead to its viable long term safeguarding.*

Where there is clear evidence that the above uses are not practical propositions, residential development may be appropriate where it meets the above criteria. In isolated locations, the re-use of redundant or disused buildings for residential purposes may be permitted where justified by special circumstances, in line with national policy. ...' [underlining my emphasis].

The use of the building as a self-contained dwelling accords with the objectives and criteria of Core Policy 48. The building is structurally sound and capable of occupation without rebuilding (criterion i), does not detract from the character or appearance of the surrounding area or adversely affect residential amenity (criterion ii), and benefits from adequate access and infrastructure (criterion iii). The site also has reasonable access to local services and facilities within Hindon (criterion iv). Accordingly, the use is consistent with the relevant provisions of Core Policy 48 and supports the continued vitality of the rural community.

Hindon Neighbourhood plan – 19th May 2021

- 6.3 Policy 5 (Land at Red House Farm): Policy 5 of the Hindon Neighbourhood Development Plan allocates land within the farmyard at Red House Farm for the provision of a single-family dwelling. The policy sets out a number of specific requirements relating to the scale, design and siting of the development, together with measures to ensure that the proposal respects the character and appearance of the surrounding area. Importantly, the allocation confirms local support for residential development at this location and establishes the principle of a single dwelling within the farmyard.

The allocation therefore confirms that residential development in this location is acceptable in principle, with the assessment of any proposal focusing on its compliance with the detailed requirements of Policy 5. The proposed dwelling reflects the form of development envisaged by the allocation and should therefore be considered acceptable in principle at this location.

7.0 Material consideration

5-year housing land supply & Housing delivery test

- 7.1 The Council's Housing Land Supply Statement April 2025 (published June 2026) confirms that Wiltshire Council can currently demonstrate only a 2.8-year supply of deliverable housing land. This is substantially below the minimum five-year housing land supply required by national policy. As a result, the presumption in favour of sustainable development is engaged.

- 7.2 The need to support and maintain housing provision within the authority is further reinforced by the latest Housing Delivery Test 2025 measurement, published on 17 August 2026, which records a score of 93% for Wiltshire Council. As the Council's performance falls below the 95% threshold, it is required to prepare and maintain an Action Plan to improve housing delivery across the authority area
- 7.3 In conclusion, this application seeks a Certificate of Lawfulness for an Existing Use and does not propose the construction of a new dwelling. The evidence demonstrates that the building has been occupied as an independent dwelling since February 2017, with the residential use having become lawful through the passage of time and the relevant permitted development transitional arrangements. The dwelling has already been making a positive contribution to the local housing stock for over nine years and continues to do so, which is of particular benefit at a time when Wiltshire Council is unable to demonstrate a five-year housing land supply.

8.0 Existing use

- 8.1 The property has been used as a self-contained dwellinghouse, comprising all facilities including a kitchen, bathroom and bedroom accommodation, since February 2017. Whilst the dwelling shares access, parking and garden areas with the main dwelling at Red House Farm, it functions as a separate residential unit.
- 8.2 The property has benefited from a separate electricity meter throughout its occupation, with electricity charges paid directly by the occupiers. The water supply is connected via the main house, and the associated costs are recovered through the rental arrangements. Until recently, it was understood that council tax relating to the property was incorporated within the wider council tax arrangements for Red House Farm. Following discussions with Wiltshire Council, council tax is now charged separately in respect of the dwelling. A copy of the relevant council tax bill is included at Appendix B of the Statutory Declaration.
- 8.3 The property was first occupied as an independent self-contained dwelling on 1 February 2017. Since that date, it has been in continuous residential use and has been occupied by a succession of tenants under separate tenancy agreements. Copies of the tenancy agreements are attached at Appendices C-G of the accompanying Statutory Declaration.
- 8.4 The signed Statutory Declaration provided by the owners confirms that the property has been occupied continuously as an independent dwellinghouse since February 2017 and that this use has continued without interruption for a period in excess of over 9 years.

9.0 Conclusions

- 9.1 This statement demonstrates that the evidence and information submitted in support of this application for a Certificate of Lawfulness establish that the property has been occupied and used as an independent self-contained dwellinghouse continuously since February 2017. The submitted evidence, including statutory declarations, tenancy agreements and utility records, confirms the existence of a continuous and uninterrupted residential use.
- 9.2 Having regard to the matters set out in this statement and the supporting evidence and information which accompanies the application, it is requested that the Council grant this application for a certificate of lawfulness.