

Letter of Representation

PL/2026/02969 – The Mount Upper Seagry

Certificate of Lawfulness (Proposed Use) to confirm that the use of the approved outbuilding and former stable building as a residential annex would be lawful.

The following factual information/evidence is highly pertinent to this 'Legal Determination'. None of this information has been included in the application nor has it been made available for assessment.

I believe that this evidence casts serious doubt on the validity of the Statutory Declaration provided by the applicant as a sworn statement.

For the avoidance of doubt I paste below the relevant section of that declaration:

2. I have been the sole owner of the Property since November 2002.

3. Throughout the entire period of my ownership, the Property has been used solely for residential purposes. For the avoidance of doubt, this includes the stable building (referred to as "Building 2" in the CLOPUD submission).

4. At no time during my ownership has the Property been used for any non-residential purpose. And I make this solemn declaration conscientiously believing the

I am not legally qualified so the WCC Legal team will be able to examine this information and determine how serious this is. It appears to be deceit and a very serious false declaration but I am not in a position to confirm that to be correct.

There have been two unrelated cases of "Building 2" being used for non-residential purposes:

1. Part of the building has been used for agricultural purposes. It was used to 'stable' sheep over an extended period. I offer the following photographic evidence. The photos were included by the applicant in his 2021 application PL/2021/06188 and can be found in the 'Documents' section of the above application dated June 2021. In the image Fig 8 the building on the left is 'Building 2' as it is referred to in the Application PL/2026/02969 (Certificate of Lawfulness). For a number of years part of 'Building 2' was used to house the applicant's sheep. The metal sheep fencing in front of 'Building 2' was to retain the sheep owned by the applicant as part of his 'farming' activity. This is also visible in Fig 4 and one of the sheep was visible in Fig 5 coming through the gate at the end of 'Building 2'. 'Building 2'

continued to be used for the sheep until the new barn on the adjacent land was complete and commissioned in late 2023. As an immediate neighbour I can confirm that when the applicant cleaned out the stabling in 'Building 2' he would come up between the buildings from 'Building 2' and dump the manure close to our boundary fence. I can testify to this if necessary.



Figure 8 - View from in-front of the spa outbuilding looking east towards adjacent outbuildings and host dwelling



Figure 4 View facing west towards existing spa outbuilding



Figure 5 - West and north elevations of spa outbuilding



Figure 6 - North elevation of spa outbuilding and relationship to boundary and dwelling to the north

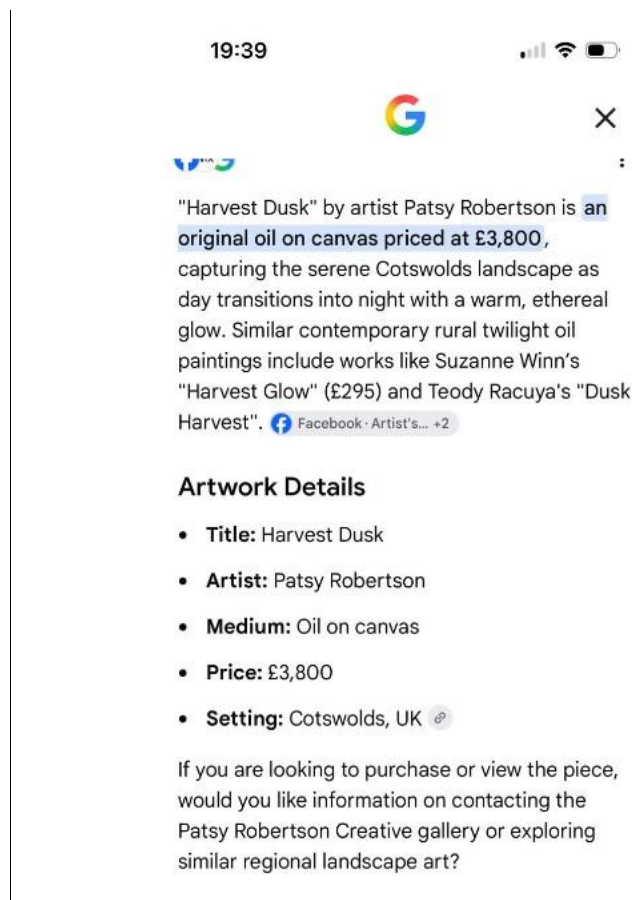
In addition to housing sheep, the applicant also used part of the building for the storage of his agricultural machinery. The following is an extract from PL/2021/08755 which confirms this. If the above application is examined it is clear that the applicant places great emphasis of his agricultural activity to justify that application.

- 3.2 The Applicant currently owns 6 sheep in total, with the intension of increasing those numbers to 15 – 20 mixed breed ewes and lambs. The flock includes a number of rare breeds.
- 3.3 The Applicant is buying in hay from the local farmer as and when required due to lack of storage space, which is a much more expensive process than buying in bulk. An area of the proposed building will be designated for hay and straw storage (the straw will be required to bed down the new sheep housing).
- 3.4 The machinery used to maintain the land is currently stored outside, or in the old-fashioned stable buildings associated with the main house. The machinery to be stored in the proposed building is the following:
- small tractor;
 - Kabota gator;
 - chain harrow;
 - trailer;
 - sheep crush;
 - roller;
 - topper.

2. The second non-residential use of 'Building 2' is as an Art Studio. In Planning terms, in accordance with the Town and Country Planning (Use Classes) order 1987, Art Studios are classified as Class F and as such are non-residential. The wife of the applicant posted on Social Media on the 25th May 2025 images of her and the applicant "Creating my new art studio". This image appears to have been taken from inside the 'Building 2'.



It appears that this was part of a business venture at the time under the name of 'Patsy Robertson Creative' and was also posted on social media. The website at the time was: patsyrobertsoncreative.co.uk



To justify this application for a Certificate of Lawfulness, the applicant has gone to great lengths to claim that 'Building 2' has only ever been used for Residential purposes. From this evidence, it cast very serious doubt on that claim.

IMPORTANT OMISSION FROM THIS APPLICATION:

There is one additional point I feel should be brought to your attention and that is the omission from the Planning History of the application PL/2021/06188. This application postdates the application 20/07250/FUL which is used in this application. I suggest this is relevant as the Certificate of Lawfulness seeks to change the status of the two outbuildings to a Residential Annex (a dwelling by a different name). The two would become one much larger unit by linking the two together under the cover of this Legal Determination. This was broadly the basis of application PL/2021/06188 which was refused by WCC and

subsequently at Appeal to the Sec of State. Some very important points were made in these rejections. It should be noted that application PL/2021/06188 was lodged just 2 months after 20/97250/FUL was approved. This clearly suggests the intention from the outset was to create a dwelling out of this application. The fact that not one single stone has been laid to build the approved 20/97250/FUL almost 6 years since it was approved (accepting that a single line of concrete foundation has been laid). In essence this Certificate of Lawfulness seeks to achieve what the planning process rejected (County and State).

If in fact the application does contain serious false claims, then the application has to be refused.

Mr K Taylor

Upper Seagry

SN15 5EX