



South Somerset District Council

Development Management
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Simon Fox – Lead Specialist – Planning

Mr and Mrs Bennett
C/o Paul Dance
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Somerset
TA14 6QR

TOWN AND COUNTRY PLANNING ACT 1990: SECTIONS 191 AND 192

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015: ARTICLE 39

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

APPLICATION NO 19/03214/COL
APPLICANT **Mr and Mrs Bennett** PARISH: **Lovington**

Description: **Application for a Lawful Development Certificate for the existing use of the dwelling without compliance with Condition 2 (occupancy) of approval 882203 dated 14th September 1988.**

Location: **Riverside Stables Hornblotton Green Road Lovington Castle Cary
Somerset BA7 7PS (GR:359245/132287)**

The **SOUTH SOMERSET DISTRICT COUNCIL** hereby certify that on 12th November 2019 the use described in the First Schedule to this certificate in respect of the land specified in the second Schedule to this certificate and edged red on the plan attached to this certificate, is lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended), for the following reason:

On a balance of probabilities the evidence produced shows that condition no. 2 attached to planning permission reference 882207 dated 14th September 1988, which stated "The occupation of the dwelling shall be limited to persons employed or last employed full-time locally in agriculture as defined in Section 290 of the Town and Country Planning Act 1971 or in forestry or the keeping of horses for livery (including any dependents of such a person residing with him/her or a widow/widower of such a person)", has been contravened by Mr D and Mrs S Bennett ('the applicants'). Mr Bennett has been a builder throughout the period of occupation and Mrs Bennett despite having a livery business it was never her full time employment and this finished in 2008. The breach of condition has therefore continued for more than 10 years prior to the date of the application, therefore no enforcement action for this breach can now be taken against the applicants.

Signed:



Simon Fox
Lead Specialist - Planning
Council's authorised officer

On behalf of the South Somerset District Council

First Schedule

Non- compliance with condition 2 of permission 882207 conditionally approved on 14th September 1988

Second Schedule

Riverside Stables, Hornblotton Road, Lovington, Somerset BA7 7PS

Notes

1. This certificate is issued solely for the purpose of section 191 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the operations specified in the First Schedule taking place on the land described in the Second schedule was lawful, on the specified date and, thus, was not liable to enforcement action under section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which are materially different from that described or which relate/s to other land may render the owner or occupier liable to enforcement action.

Informative:

This certificate only relates to the breach of the condition identified in the application for this certificate. All occupiers are required to comply with the condition unless they can claim immunity from enforcement action. The granting of this certificate does not have the effect of removing the condition or making it unenforceable against a new owner/occupier of the dwelling or any other occupier who cannot claim immunity from enforcement action.

