Wiltshire Council

The Town and Country Planning Act 1990

Certificate of Lawful Use or Development - Proposed Use or Development

Application Reference Number: PL/2023/08299

Decision Date: 18 March 2024

Applicant:	Andrea Lomax The Guinness Partnership, No.7 Moyne Close, Station Road, Devizes, UK, SN10 1DG
Particulars of Development:	Certificate of lawfulness for proposed replacement of windows and doors
At:	17-21 Lamb Ale Green, Trowbridge, Wilts, BA14 7SP

Wiltshire Council hereby certify that on the operative date shown below the operations 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 are lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) for the following reasons (contained in the informatives):

The submitted plans and information indicate that the proposals comply with Schedule 2, Part 1, Class A of the Town and Country (General Permitted Development) (England) Order 2015 (as amended). Furthermore, no relevant permitted development rights appear to have been removed from the properties with regards to these proposals therefore they are considered to be permitted development and a Certificate of Lawfulness (proposed) can be granted accordingly. Notwithstanding this, the decision notice will draw the applicant's attention to condition A.3 (b) with regards to the glazing and opening arrangements for upper-floor windows located in a wall or roof slope forming a side elevation.



Informatives:

1 The decision on this application was made against the following plans:

230714-1005 Rev. P01 (Location Plan) dated 25/09/2023
230714-1603 Rev. P01 (Existing and Proposed Window Elevations and Example Window Type Photographs) dated 27/09/2023

2 Notwithstanding the granting of this Certificate, the applicant's attention is drawn to the following:

Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Conditions
A.3 Development is permitted by Class A subject to the following conditions—

(b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—
(i) obscure-glazed, and
(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed;

Parvis Khansari **- Corporate Director, Place**

Notes -

1. This Certificate is issued solely for the purpose of Section 192 of the Town & Country Planning Act 1990 (as amended).

2. It certifies that the use or development specified in the First Schedule taking place on the land described in the Second Schedule would have been lawful on the specified date and thus would not have been liable to enforcement action under Section 172 of the 1990 Act on that date.

3. This Certificate applies only to the extent of the proposed use or development described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use or development which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

4. The effect of the Certificate is also qualified by the proviso in Section 192 (4) of the 1990 Act, as amended. This states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change before the use is instituted or the operations begun in any manner relevant to determining such lawfulness.

5. Your attention is drawn to the rights of appeal you have against the Council's decision, contained in Section 195 of the Town and Country Planning Act 1990 (as amended). Any appeal must be lodged within 3 months of the date of this decision.