

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT

APPLICATION REFERENCE:	PL/2025/08800
APPLICATION TYPE:	Lawful development: Proposed use
SITE ADDRESS:	2 Mullens Cottage, Manningford Bohune Common, Pewsey, SN9 6LY
DEVELOPMENT DESCRIPTION:	Certificate of lawfulness for proposed demolition of existing detached garage in rear garden, and erection of replacement garage and garden room in similar location also in rear garden.
RECOMMENDATION:	Approve

PROPOSAL

This application seeks a Certificate of Lawfulness (CLP) under Section 192 of the Town and Country Planning Act 1990 (as amended) for the proposed demolition of existing detached garage in rear garden, and erection of replacement garage and garden room in similar location also in rear garden.

The planning merits of the proposal are not under consideration. The only issue is whether the proposed works constitute “permitted development” (PD) under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) [hereafter referred to as “the GPDO”].

RELEVANT LEGISLATION AND POLICY

The statutory framework governing CLP’s is set out in Section 192 of the Town and Country Planning Act 1990 (as amended). This section establishes that a proposed development or use is “lawful” if it would not constitute a breach of planning control. A CLP can be granted if the Local Planning Authority is satisfied, on the balance of probabilities, that the proposed development or use would not require planning permission.

The application has been assessed against the relevant criteria set out in Schedule 2, Part 1, Classes A–H of the GPDO 2015 (as amended).

REPRESENTATIONS

There is no legal obligation to consult third parties, including Town/Parish Councils or neighbouring properties, for this type of application.

RELEVANT SITE HISTORY

The site has the following relevant planning history: none

ASSESSMENT AND CONCLUSION

The proposal seeks to utilise permitted development rights under Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Having completed the detailed assessment checklist at Appendix 1 and 2, and based on the submitted plans, supporting information, and a review of relevant constraints (including planning history, Article 4 Directions, and any planning conditions), it is concluded that:

The proposed development does fall within the scope of permitted development, as defined under Schedule 2, Part 1, Class E of the GPDO. It meets all relevant limitations and conditions, and no restrictions (such as Article 4 Directions or planning conditions) are in force that would remove the permitted development rights relied upon.

The proposed development is considered lawful under Section 192 of the Town and Country Planning Act 1990 (as amended).

RECOMMENDATION

It is recommended that a Certificate of Lawfulness for Proposed Development be GRANTED for the following use/development:

Reason for approval: The proposed development is deemed lawful under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Therefore, the proposal is in accordance with relevant statutory provisions and does not require planning permission.

APPENDIX 1 –

Checklist for Householder permitted development under Parts 1, 2 or 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)

If yes is answered to any of the below questions, then planning permission will be required for the proposal. If not, then proceed to complete the relevant checklist(s) at Appendix 2, 3 and 4.

Constraint	Yes/No/N/A	Notes
Is there an Article 4 Direction removing PD rights for a class within which the proposal falls?	no	
Is there a condition removing PD rights for a class within which the proposal falls?	no	
For the purposes of Part 1, is the property a flat or maisonette?	no	Flats do not benefit from Part 1 PD rights

APPENDIX 2 –

Checklist for Householder permitted development under Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)

Class E – The provision within the curtilage of the dwellinghouse of— a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.	Yes/No	
If yes answer questions below, if no skip to Class F		
Criteria (E.1) – Development is not permitted if:		
	Is the development within curtilage and incidental to enjoyment of dwellinghouse?	yes
(a)	Was the permission to use the dwellinghouse granted Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule?	no
(b)	Would more than 50% of the curtilage be covered (excluding the original dwellinghouse)?	no
(c)	Would any part of it be situated on land forward of a wall forming the principal elevation of the original dwellinghouse?	no
(d)	Would the building have more than one storey?	no
(e)	Would the height exceed 4m (dual-pitched roof), 2.5m (within 2m of the boundary) or 3m in any other case?	no
(f)	Would the eaves exceed 2.5m height?	no
(g)	Is it within the curtilage of a listed building?	no
(h)	Would it include the construction or provision of a veranda, balcony or raised platform?	no
(i)	Would it relate to a dwellinghouse or a microwave antenna	no
(j)	Would the capacity of the container exceed 3,500 litres?	n/a
(k)	Was the dwellinghouse built under Part 20 of this Schedule?	no

Criteria (E.2) – Development is not permitted if:		Yes/No
	If the dwellinghouse is within a National Landscape or World Heritage Site, would the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse exceed 10 square metres?	no

Criteria (E.3) – Development is not permitted if:		Yes/No
	If the dwellinghouse is within Article 2(3) Land is the building situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse?	no