

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT

APPLICATION REFERENCE:	PL/2025/09143
APPLICATION TYPE:	Lawful development: Proposed use
SITE ADDRESS:	17 Stickleback Road, Calne, SN11 9RB
DEVELOPMENT DESCRIPTION:	Certificate of lawfulness for proposed C3 (b) lawful certificate for the purposes of Ofsted registration. The property is intended to be used as a children's home with the maximum of 2 children which falls under the C3 dwelling House Classification meaning there is no change of use required
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 a proposed use of use class C3 (b) for a children's home with a maximum of 2 children.

The planning merits of the proposal are not under consideration. The only issue is whether the proposed works constitute development.

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 Use Classes Order 1987 (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:

Proposal / Summary
N/06/00008/FUL - Full planning permission Decision - Approve with Conditions Date: 1/3/2006 – Single Garage on Plot 528 (Amendment to 02/01333/REM)

N/04/01104/REM - Reserved Matters Decision - Approved Date: 7/1/2005 – LANDSCAPE - CALNE PHASE 9
N/06/00324/REM - Reserved Matters Decision - Approved Date: 17/5/2006 – Landscaping
N/05/01093/REM - Reserved Matters Decision - Approve with Conditions Date: 27/7/2005 – Amendment to 02.01333.REM
N/10/02079/S106 - Modification of Planning Obligation – Discharge of Planning Obligation Relating to Planning Permissions 95/00884/OL and 96/01343/OL
N/06/01431/REM - Reserved Matters Decision - Approved Date: 20/7/2006 – Landscaping
N/06/01741/REM - Reserved Matters Decision - Approved Date: 23/8/2006 – Phase II - Landscaping
N/04/00770/REM - Reserved Matters Decision - Approve with Conditions Date: 10/5/2004 – ERECTION OF 18 THREE STOREY HOUSES (AMENDMENT TO 02.01333.REM)
N/04/01085/REM - Reserved Matters Decision - Approved Date: 9/6/2004 – APPROVAL FOR MATERIALS FOR PLOTS APPROVED BY 02.01333.REM AS AMENDED BY APPROVAL 03.02557.FUL (PLOTS 66-70 AND 86-88) AND 03.03317.REM (PLOTS 479-490)
N/95/02438/OUT - Outline Planning Decision - Approve with Conditions Date: 6/5/1999 – OUTLINE - RESIDENTIAL DEVELOPMENT/OPEN SPACE/EMPLOYMENT (B1)/ROAD/LOCAL CENTRE/PRIMARY SCHOOL/ASSOCIATED AND ANCILLARY WORKS

ASSESSMENT AND CONCLUSION

The proposal seeks to confirm the lawful use of the site for Ofsted registration. The existing use of the site is C3 dwellinghouse and the proposed use of the site is C3 (b) dwellinghouse. This is a subsection as set out under the use class C3 dwellinghouse for “not more than six residents living together as a single household where care is provided for residents”.

The property is intended to be used as a children's home with the maximum of 2 children which falls under the C3 (b) dwellinghouse. It is not development to move between subsections 3 (a), 3 (b) and 3 (c) in accordance with The Town and Country Planning (Use Classes) Order 1987. Consequently, no change of use required and no planning permission required.

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:

Use of dwelling for C3 (b).

Reason for approval: The proposed development does not constitute a change of use, and does not require planning permission.

APPENDIX 1 –

Checklist for permitted development under 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.

Constraint	Yes/No/N/A	Notes
Is there an Article 4 Direction removing PD rights for a class within which the proposal falls?	No	[If yes, specify what rights are removed and when the direction was made]
Is there a condition removing PD rights for a class within which the proposal falls?	No	[If yes, cite the permission and condition number and what rights were removed]