

26 November 2025

Our Ref: LPC.6015

Wiltshire Council
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Dear Sir / Madam,

Town and Country Planning Act 1990
Proposed Rear Extension to the Dwelling at
Blakehill Stables, Chelworth Road, Cricklade, Swindon, SN6 6HL

I am instructed by Mr and Mrs Dell to submit an application for a Lawful Development Certificate in order to confirm that the proposed erection of a rear extension to the dwelling at Blakehill Stables, Chelworth Road, Cricklade, Swindon, SN6 6HL would be lawful for planning purposes.

Site Description

The application property currently comprises a redundant rural building located on the northern flank of Chelworth Road, to the south-west of Cricklade. However, the building is undergoing conversion into a dwellinghouse in line with the relevant planning permission as detailed below.



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Site History

The following planning application is material to the assessment of the current Lawful Development Certificate application:-

- Application PL/2024/11162 - Proposed change of use and conversion of redundant building to a single dwelling – Granted 04 April 2025

The planning permission is subject to seven conditions, the majority are compliance conditions which seek to ensure the development is carried out in accordance with the approved details, but conditions 4 and 7 require certain works (access improvements and installation of bird and bat boxes) to be carried out prior to the occupation of the dwellinghouse, and condition 5 requires details of any new external lighting to be submitted and approved prior to installation. These conditions will be complied with during the construction process and prior to occupation of the dwellinghouse.

Proposed Development

The proposed development involves the construction of a single storey extension on the rear of the dwellinghouse.

The application is supported by the following plans, which together with the written description within this supporting statement, identifies precisely what is being applied for and the land to which the application relates:-

- Drawing Title. Blakehill Stable Location Plan
- Drawing Title. Proposed Plans and Elevations (scale 1:100 at A2)

The approved Proposed Plans and Elevations drawing is also submitted to be able to compare and easily identify the works the subject of this application:-

- Drawing reference. Proposed Floor Plans, Elevation and Roof Plan No.0082-103 Rev.C (received 6th December 2024)

The proposed development involves the construction of a rear extension projecting 1.80m beyond the rear elevation by 5.75m in length. The extension will have a catslide roof with the eaves at 2.16m in height above ground level. The extension would be finished with materials to match those on the existing dwelling as shown on the proposed drawings.

Assessment

Section 192 of the Town and Country Planning Act 1990 (as amended) enables an application to be submitted to the Local Planning Authority for a lawful development certificate in order to confirm that a proposed use of buildings or other land, or some operations proposed to be carried out in, on, over or under land, would be lawful for planning purposes.

The legislation clarifies (at section 191(2)(a)) that uses and operations are lawful at any time if no enforcement action may then be taken in respect of them, whether because they did not involve development or require planning permission or because the time for enforcement action has expired. The proposed development the subject of this lawful development certificate application is considered to be lawful because planning permission is not required because it can be classified as 'permitted development'.

Permitted Development Rights

The Town and Country Planning (General Permitted Development) Order 2015 (as amended) grants planning permission for the classes of development described as permitted development in Schedule 2, subject to the provisions of the Order.

Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) is dedicated to 'Development within the curtilage of a dwellinghouse'. Class A relates to the enlargement, improvement or other alteration of a dwellinghouse.

Class A Limitations

In order to benefit from the permitted development rights the development must comply with the limitations set out within sections A.1 and A.2 where relevant.

The limitations set out under section A.1 is relevant to all proposals under Class A and are as follows:-

The Legislation	The Proposed Development
A.1 Development is not permitted by Class A if:	
(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);	n/a
(b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);	The 50% threshold will not be exceeded.
(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;	The height of the highest part of the roof of the existing dwellinghouse (3.90m ridge height) will not be exceeded by the proposed extension.
(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;	The proposed extension will be single storey and will not exceed the height of the eaves of the existing dwellinghouse. The eaves height of the rear extension will be 2.16m to match the existing eaves height of the building.
(e) the enlarged part of the dwellinghouse would extend beyond a wall which— (i) forms the principal elevation of the original dwellinghouse; or (ii) fronts a highway and forms a side elevation of the original dwellinghouse;	The proposal involves the erection of an extension on the rear elevation which does not front a highway.

(f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height;	The proposed extensions will be single storey, below 4m in height, and will not extend beyond the rear wall of the original dwellinghouse by more than 4m.
(g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or (ii) exceed 4 metres in height;	The dwellinghouse is not on article 2(3) land (i.e. Conservation Area, National Landscape etc.). The extensions will be single storey and will only extend beyond the rear wall by 1.8m.
h) the enlarged part of the dwellinghouse would have more than a single storey and— (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;	n/a – the proposed extension will be single storey.
(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;	n/a – the proposed extension will not be within 2m of the boundary and the height of the eaves of the proposed extension will not exceed 3m.
(j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would— (i) exceed 4 metres in height, (ii) have more than a single storey, or (iii) have a width greater than half the width of the original dwellinghouse	The proposal involves the erection of an extension on the rear elevation of the original dwellinghouse.
(ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);	The proposed extension will not adjoin any other extensions and will not therefore exceed the limits set out in sub-paragraphs (e) to (j) as noted above.
(k) it would consist of or include— (i) the construction or provision of a verandah, balcony or raised platform, (ii) the installation, alteration or replacement of a microwave antenna, (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or (iv) an alteration to any part of the roof of the dwellinghouse.; or (l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).	n/a

The limitations set out under section A.2 is relevant to dwellinghouses on article 2(3) land. Article 2(3) land include the following:-

- a. an area designated as a conservation area under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (designation of conservation areas);
- b. an area of outstanding natural beauty;
- c. an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981 (enhancement and protection of the natural beauty and amenity of the countryside)44;
- d. the Broads;
- e. a National Park; and
- f. a World Heritage Site.

The dwellinghouse is not on article 2(3) land and therefore the limitations set out under section A.2 are not relevant.

Class A Conditions

The conditions set out within section A.3 (a) to (c) must be met by the applicant where relevant. The proposed extension will be single storey only so only point (a) is applicable which specifies that the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

The proposed development will be constructed using materials to match those of the existing dwelling i.e. rendered walls. In terms of the new windows and doors, they will also be of a similar appearance and the same material to the existing windows and doors to comply with Condition A.3 (a).

The conditions set out in section A.4 (for larger extensions permitted under limitation A.1(g) [as shown in the table above]) are not applicable to this current proposal.

The Existing Dwellinghouse & Timing of Proposed Extension and Alteration

The permitted development rights outlined above relate to an existing dwellinghouse and the Town and Country Planning (General Permitted Development) Order clarifies that nothing in the Order permits development contrary to any condition imposed by any planning permission granted or deemed to be granted under Part 3 of the Town and Country Planning Act 1990.

The development outlined within this Certificate of Lawfulness application relates to the extension of the dwellinghouse to be created in line with planning permission reference PL/2024/11162. The timing of the proposed works are important to ensure the development can be classified as permitted development, but it is first important to note that the planning permission does not remove any permitted development rights, and there are no Article 4 Directions on the land that remove permitted development rights.

The permitted development rights outlined under Schedule 2, Part 1 “Development within the curtilage of a dwellinghouse” of the Town and Country Planning (General Permitted Development) Order apply to an existing dwellinghouse. The order defines ‘dwellinghouse’ and ‘existing’ (the building as it existed immediately before carrying out development described in the Order) but does not specify when the permitted development rights apply to a newly created dwellinghouse, either through the conversion of an existing building or a new build. It has however been established via Case Law that to benefit from permitted development rights any dwelling has to be lawfully and substantially completed and capable of occupation.

It is proposed to carry out the proposed developments outlined within this Certificate of Lawfulness application once the dwellinghouse has been lawfully completed in accordance with planning permission reference PL/2024/11162, ensuring that all conditions are complied with, and is capable of use or occupation as a dwellinghouse.

Planning Policy

The planning merits of the proposed development are not relevant at any stage of the lawful development certificate application. The Local Planning Authority needs to consider whether, on the facts of the case and relevant planning law, the specific matter is or would be lawful, which has been demonstrated above.

Planning Practice Guidance on Lawful Development Certificates

The Planning Practice Guidance advises that “The applicant is responsible for providing sufficient information to support an application ... [and] in the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved” (Paragraph: 006 Reference ID: 17c-006-20140306).

The proposed development is presented on the submitted scaled drawings and the assessment provided above demonstrates that the proposed rear extension could meet the limitation and conditions of the relevant part of the General Permitted Development Order and can therefore be classed as ‘permitted development’.

Conclusion

This application for a Lawful Development Certificate demonstrates that the proposed erection of a rear extension on the dwellinghouse to be created at Blakehill Stables, Chelworth Road, Cricklade, Swindon, SN6 6HL would be lawful for planning purposes.

The proposed development can be classified as ‘permitted development’ and can therefore lawfully be carried out without the need to obtain planning permission. The following information and proposed timeline is key:-

1. The proposed works will be carried out once the dwellinghouse has been lawfully completed in accordance with planning permission reference PL/2024/11162 and can be classified as a dwellinghouse;
2. There are no Article 4 Directions in place or conditions associated with any planning permission that remove permitted development rights; and
3. The proposed single storey extension would comply with the conditions and limitations of Schedule 2, Part 1, Classes A and G of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

It is therefore respectfully requested that a Lawful Development Certificate be granted for the proposed development. If there are any questions however, please do not hesitate to contact me.

Yours faithfully,



Morgan Jones
Associate Director

cc: Mr and Mrs Dell