

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT

APPLICATION REFERENCE:	PL/2025/09141
APPLICATION TYPE:	Lawful development: Proposed use
SITE ADDRESS:	22 Bridge Avenue, Trowbridge, BA14 9SF
DEVELOPMENT DESCRIPTION:	Certificate of lawful development for a proposed single storey rear extension
RECOMMENDATION:	Refuse

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 single storey rear extension.

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:

Proposal / Summary
W/75/00167/HIS: Approve with Conditions: 11 April 1975: Residential development (extension of time limit for O/L planning permission)
76/01046/FUL: W/76/01046/HIS: Approve with Conditions: 29 July 1977: Plots 69 - 142 incl. forming parts E and F of phase 1 Devel. Erection of 74 houses 47 garages

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).

The proposed development does not fall within the scope of permitted development, because:

- Permitted development rights have been removed by planning condition – W/76/01046/FUL – Condition 7 states: To ensure that the amenities of related dwellings are not adversely affected and notwithstanding the provisions of the Town and Country Planning (General Development) Orders 1973-74, no extensions to dwellings shall be carried out without express planning permission granted following a formal planning application to the local planning authority.

The proposed development is not considered lawful under Section 192 of the Town and Country Planning Act 1990 (as amended).

RECOMMENDATION

It is recommended that the Certificate of Lawfulness for Proposed Development be REFUSED for the following reasons:

Reason for refusal: By virtue of condition no. 7 imposed on the grant of permission under application W/76/1046, permitted development rights for domestic extensions do not exist for the subject property and as such the proposal would require planning permission.