

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT

APPLICATION REFERENCE:	PL/2025/09449
APPLICATION TYPE:	Lawful development: Proposed use
SITE ADDRESS:	24 Curlew Drive, Chippenham, SN14 6YQ
DEVELOPMENT DESCRIPTION:	The proposal seeks a certificate confirming that use under Class C3(b), occupation by up to four people living together as a single household and receiving care, remains lawful. No external alterations or extensions are proposed, and there will be no change to the building's external appearance or character.
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 as class C3(b) for up to 6 people living together as a single household and receiving care.

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 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
14/10391/FUL - Full planning permission Decision - Approve with Conditions Date: 28/1/2015 – Lower Kerb to Allow Vehicle Access
N/03/01373/FUL - Full planning permission Decision - Approve with Conditions Date: 14/7/2003 – ERECTION OF TWO STOREY FRONT EXTENSION AND FIRST FLOOR FRONT EXTENSION
N/94/00252/OUT - Outline Planning Decision - Approve with Conditions Date: 28/3/1994 – OUTLINE - PROPOSED RESIDENTIAL DEVELOPMENT/PART OF CHIPPENHAM WESTERN BYPASS/INTERNAL DISTRIBUTOR ROAD/PUBLIC OPEN SPACE/ANCILLARY DEVELOPMENT
N/95/02021/FUL - Full planning permission Decision - Withdrawn Date: 1/11/1995 – CONSTRUCTION OF 58 NO 3 & 4 BEDROOM HOUSES (AMENDMENT TO N/95/0374/F) SUBSTITUTION OF HOUSE TYPES

ASSESSMENT AND CONCLUSION

The proposal seeks to confirm the lawful use of the site. 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 home for 4 No adults living together as one household receiving support and care from staff as needed which falls under the subsection 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	
Is there a condition removing PD rights for a class within which the proposal falls?	No	