

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED DEVELOPMENT

APPLICATION REFERENCE:	PL/2025/08540
APPLICATION TYPE:	CERTIFICATE OF LAWFULNESS FOR PROPOSED DEVELOPMENT
SITE ADDRESS:	2 Spring View, Teffont, Salisbury, SP3 5RU
DEVELOPMENT DESCRIPTION:	Proposed loft conversion with addition of roof lights
RECOMMENDATION:	That a Certificate of Lawfulness for Proposed Development be GRANTED

SITE DESCRIPTION AND PROPOSAL

This application is for a Certificate of Lawfulness for a Proposed Development (CLP) under Section 192 of the Town and Country Planning Act 1990 (as amended). The applicant seeks to confirm the lawfulness of a loft conversion and the installation of roof lights at 2 Spring View, Teffont. The site is a semi-detached dwellinghouse granted planning permission under the 'Full Planning Permission' application S/1978/0145 for two agricultural workers dwellings. The proposal involves a loft conversion with four roof lights on the north-east elevation, with external changes limited to these additions.

RELEVANT LEGISLATION AND CONSIDERATIONS

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 LPA is satisfied, on the balance of probabilities, that the proposed development or use would not require planning permission.

The Planning Practice Guidance (PPG) on "Lawful Development Certificates" (2014) clarifies that the burden of proof lies with the applicant. It is the applicant's responsibility to provide clear and precise evidence to demonstrate that the proposed use or development would be lawful under the provisions of the Town and Country Planning Act 1990 (as amended).

It is important to note that applications for Certificates of Lawfulness are not assessed on planning merits. The determination is instead based solely on the facts of the case and the applicable law, rather than whether the proposed use or development would be desirable or acceptable in planning policy terms.

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:

S/1978/0145 - Erection of 2 agricultural workers dwellings and construction of new access at Part of OS Parcel 47, Wyllye Road, Teffont - APPROVED

ASSESSMENT

Compliance with Restrictions / Conditions:

Do any previous planning conditions remove permitted development rights for the proposal?

NO

Is the site subject to an Article 4 Direction removing permitted development rights?

NO

Permitted Development Rights:

The Town and Country Planning (General Permitted Development) (England) Order 2015

- SCHEDULE 2 Permitted development rights
- PART 1 Development within the curtilage of a dwellinghouse
- Class C – other alterations to the roof of a dwellinghouse

Development is not permitted by Class C 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);

The dwellinghouse was granted permission under a full application. The above criterion is met.

- (b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

The rooflights sit as flush as possible with the existing roof and do not project more than 0.15 metres above its surface. The above criterion is met.

- (c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or

The rooflights will not be higher than the highest part of the original roof. The criterion is met.

- (d) it would consist of or include—

- (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.; or

The proposal does not include the installation, alteration or replacement of any of the above.
This criterion is satisfied.

- (e) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

This criterion does not apply.

Conditions

Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

- (a) obscure-glazed; and
- (b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

CONCLUSION

Having considered the details of the application, the supporting evidence, and the relevant planning legislation:

The proposed development is deemed to be lawful and does not require planning permission. The proposed development is considered to be permitted development under the provisions of the **Town and Country Planning (General Permitted Development) (England) Order 2015** (as amended). Therefore, the proposal is in accordance with the relevant statutory provisions and does not require planning permission.

RECOMMENDATION

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

Proposed loft conversion with addition of roof lights

In accordance with the following plans:

- Location plan – date received: 27/10/2025
- Existing and proposed site plan – (ref: P2520-LXW-ZZ-XX-DR-A-401_P02) – date received: 05/11/2025
- Proposed elevations and sections – (ref: P2520-LXW-ZZ-XX-DR-A-202_P02) – date received: 27/10/2025

- Proposed floor and roof plans - (P2520-LXW-ZZ-XX-DR-A-102_P02) – date received: 27/10/2025

Reason for approval: The proposed development is deemed lawful under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposal is in accordance with relevant statutory provisions and does not require further planning permission.

Town and Country Planning Act 1990: Sections 191 and 192

Town and Country Planning (Development Management Procedure) (England) Order 2010: Article 35

Application reference no: PL/2025/08540

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT: PROPOSED

Wiltshire Council hereby certify that on the 5th November 2025 the operations described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate, were lawful within the meaning of section 192 of the Town and Country Planning Act 1990 for the following reason(s):

1. The Council is satisfied that the insertion of the four proposed roof lights into the roofslope of the dwellinghouse is permitted by Schedule 2, Part 1 (Development Within The Curtilage of a Dwellinghouse), Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015, which grants planning permission for the alterations to the roof of a dwellinghouse.

First Schedule

The proposed works, as detailed in the drawings Location plan; Existing and proposed site plan – (ref: P2520-LXW-ZZ-XX-DR-A-401_P02); Proposed elevations and sections – (ref: P2520-LXW-ZZ-XX-DR-A-202_P02); Proposed floor and roof plans - (P2520-LXW-ZZ-XX-DR-A-102_P02) as submitted to the Council on the 27th October 2025; as submitted under planning reference PL/2025/08540.

Second Schedule

2 Spring View, Teffont, Salisbury , SP3 5RU as shown edged in red in the Location Plan, submitted with the application documentation.

Notes

1. This Certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act (as amended).

2. It certifies that the operations specified in the First Schedule taking place on the land described in the Second Schedule was lawful on the specified date and thus was not liable to enforcement action under Section 172 of the 1990 Act on that date.

3. This Certificate only applies to the extent of the matters described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any matter which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

4. The effect of the certificate is also qualified by the proviso in section 192(4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.