

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT

APPLICATION REFERENCE:	PL/2025/08650
APPLICATION TYPE:	Lawful development: Proposed use
SITE ADDRESS:	WOODROW HOUSE FARM, 187B WOODROW ROAD, FOREST, MELKSHAM, SN12 7RF
DEVELOPMENT DESCRIPTION:	Proposed rear extension, front porch and loft conversion.
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 rear extension, front porch and loft conversion.

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, C and D 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/87/00481/OUT - Outline Planning Decision - Approve with Conditions Date: 26/5/1987 – Erection of three dwellings
W/02/00820/OUT - Outline Planning Decision - Refused Date: 17/10/2002 – Erection of 2 dwellings

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).

Woodrow House Farm is a detached bungalow set back from the highway, situated on a C Class Road to the northern edge of the town of Melksham. The dwelling is constructed of Bradstone with concrete tiled roof. The property has white upvc windows and the front door is currently softwood set back from the principal elevation.

The dwelling is not Listed nor is it subject to an Article 4 Direction. In addition, it is not located within a Conservation Area or National Landscape (previously known as Area of Outstanding Natural Beauty) and referred to in the legislation as Article 2/3 or designated land.

The property does not appear to have been extended from its original form, and the planning history indicates that permitted development rights remain intact.

The proposal involves the following works;

Extension

The erection of a flat roofed extension attached to the original rear wall measuring approximately 3.0 metres in depth with a width of approximately 4.20 metres. The extension would have a lantern light with its highest part at approximately 2.95 metres above ground level. The eaves height would be 2.45 metres. The external materials used would be Bradstone walls with concrete tiles and UPVC windows and doors. The proposed materials would be of similar appearance to those used in the exterior of the existing dwelling house.

Porch

The erection of a porch outside of the existing front door with a height of approximately 2.89 metres, a width of approximately 1.49 metres and depth of approximately 2.00 metres. The ground area covered by the porch would be approximately 2.98 square metres. The porch would be constructed with Bradstone walls, concrete tiles and a composite door. The criteria contained within Class D does not require matching materials. However, the proposed materials would be of similar in appearance to those used in the exterior of existing dwelling house.

Rooflights

Four roof lights are proposed within the roof slope of the principal elevation to enable the conversion of the loft. They would not protrude more than 150mm beyond the plane of the

slope of the original roof when measured from the perpendicular with the external surface of the original roof.

Having completed the detailed assessment checklist at Appendix 1 and 2, and based on the submitted plans, supporting information it is concluded that the proposed development does fall within the scope of permitted development, as defined under Schedule 2, Part 1, Class A, C and D of the GPDO. The proposed development meets all relevant limitations and conditions, and no restrictions (such as Article 4 Directions or planning conditions) are in force that would remove the permitted development rights relied upon.

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 development:

Reason for approval: The proposed development is deemed lawful under Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Therefore, the proposal is in accordance with relevant statutory provisions and does not require planning permission.

APPENDIX 1 –

Checklist for Householder permitted development under Parts 1, 2 or 14 of 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. If not, then proceed to complete the relevant checklist(s) at Appendix 2, 3 and 4.

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	
For the purposes of Part 1, is the property a flat or maisonette?	No	Flats do not benefit from Part 1 PD rights

APPENDIX 2 –

Checklist for Householder permitted development under Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)

Class A – Enlargement, Improvement or alteration of a dwellinghouse		Yes
Criteria (A.1) – Development is not permitted if:		
(a)	Was the permission to use the dwellinghouse granted by Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule?	No
(b)	Would the ground covered by extensions to the original dwellinghouse exceed 50% of the total area of the curtilage?	No
(c)	Would the height of the proposal exceed the height of the highest part of the roof of the existing dwellinghouse?	No
(d)	Would the height of the eaves exceed the height of the existing dwellinghouse eaves?	No
(e)	Is the principal elevation of the original dwellinghouse being extended or Is the elevation being extended fronting a highway and forming a side elevation?	No
(f)	Would the single storey extension extend beyond the rear wall of the original dwellinghouse house by more than 4m (detached) or exceed 4m in height?	No
(g)	For dwellinghouses not in Article 2(3) land or SSI, would it extend beyond the rear wall of the original dwellinghouse house by more than 8m (detached) / 6m (others) or exceed 4m in height? <i>Please note that the proposed development is subject to a prior approval process. As such, a Certificate of Lawfulness cannot be granted unless prior approval has been applied for and either determined as not required or formally approved.</i>	No
(h)	Would it have more than a single storey and extend beyond the rear wall of the original dwellinghouse by 3m or be within 7m of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse?	No
(i)	Would the extension be within 2m of a boundary with eaves exceeding 3m in height?	No
(j)	Would it extend beyond a side elevation of the original dwellinghouse and exceed 4m in height, be more than single storey or have a width greater than half the original dwellinghouse?	No
(ja)	Does the total enlargement (the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceed or would exceed the limits set out in sub-paragraphs (e) to (j)?	No
(k)	Would it include the construction or provision of a veranda, balcony or raised platform, the installation, alteration or replacement of a microwave antenna, the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or an alteration to any part of the roof of the dwellinghouse?	No
(l)	Was the dwellinghouse built under Part 20 of this Schedule?	No

	Criteria (A.2) Dwellinghouses on article 2(3) land – Development is not permitted by Class A if:	
(a)	Would it consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles?	N/A
(b)	Would it extend beyond a side elevation of the original dwellinghouse?	N/A
(c)	Would it consist of 2-storeys and extend beyond the rear wall of the original dwellinghouse?	N/A
(d)	Would the total enlargement (the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceed the limits set out in sub-paragraphs (b) and (c)?	N/A

	Criteria (A.3) – Development is permitted by Class A subject to the following conditions:	
(a)	Are materials to be used in exterior work of similar appearance to the existing dwellinghouse (other than conservatories)?	Yes
(b)	Would any upper-floor windows in the side elevation be non-obscure and non-fixed shut below 1.7m?	N/A
(c)	Where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, does the roof pitch of the enlarged part not, so far as practicable, match the roof pitch of the original dwellinghouse?	N/A

Class C – Any other alterations to the roof of a dwellinghouse		Yes
Criteria (C.2) – Development is not permitted if:		
(a)	Was the permission to use the dwellinghouse granted Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule?	No
(b)	Would the alteration 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?	No
(c)	Would the roof height be increased beyond the highest part of the existing roof?	No
(d)	Would it include the construction or provision of a veranda, balcony or raised platform, or the installation, alteration or replacement of solar photovoltaics or solar thermal equipment?	No
(e)	Was the dwellinghouse built under Part 20 of this Schedule?	No

Criteria (C.2) – Development is permitted by Class C subject to the following conditions:	
Are side-facing upper floor windows obscure-glazed and fixed shut below 1.7m? Are materials similar in appearance to existing dwellinghouse?	N/A

Class D – The erection or construction of a porch outside any external door of a dwellinghouse		Yes
Criteria (D.1) – Development is not permitted if:		
(a)	Was the permission to use the dwellinghouse granted Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule?	No
(b)	Would the ground area (measured externally) of the structure exceed 3 square metres?	No
(c)	Would any part of the structure be more than 3 metres above ground level?	No
(d)	Would any part of the structure be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway?	No
(e)	Was the dwellinghouse built under Part 20 of this Schedule?	No