

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT

APPLICATION REFERENCE:	PL/2025/08934
APPLICATION TYPE:	Lawful development: Proposed use
SITE ADDRESS:	48 Brooklands, Chippenham, SN15 2FH
DEVELOPMENT DESCRIPTION:	Installation of a home electric charger unit on the rear wall of property
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 Installation of a home electric charger unit on the rear wall of property.

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 2, Class 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
N/12/04160/FUL - Full planning permission Decision - Approve with Conditions Date: 7/5/2014 – Residential Development of 95 Dwellings, Ancillary Roads, Public Open Space and Associated Works and Alteration to Parking Layout (Amendment to Phases A and B of 02/00600/FUL)
N/05/01980/S73A - Full planning permission Decision - Withdrawn Date: 18/10/2005 – Variation of Conditions Imposed on Planning Permission Reference Number

02/00600/FUL, to Include One New Condition and the Amendment of Conditions 2, 3, 6, 8 and 9, together with Revised Access Arrangements, to Enable Phased Development
N/06/01302/S73A - Full planning permission Decision - Refused Date: 20/9/2006 – Amendment of Conditions 2,3,6, 8 and 9 of 02.00600.FUL. Enable Phased Development With Amended Access Arrangements
N/01/01462/FUL - Full planning permission Decision - Refused Date: 16/1/2002 – Construction of 108 No Two Storey Dwellings, with Roads, Public Open Space and Ancillary Works
N/01/01755/OUT - Outline Planning Decision - Refused Date: 16/1/2002 – Residential development including means of access
N/02/00599/FUL - Full planning permission Decision - Refused Date: 12/6/2002 – CONSTRUCTION OF 138 DWELLINGS WITH ANCILLARY ROADS, PUBLIC OPEN SPACE AND ANCILLARY WORKS
N/02/00600/FUL - Full planning permission Decision - Withdrawn Date: 12/6/2002 – CONSTRUCTION OF 138 DWELLINGS WITH ANCILLARY ROADS, PUBLIC OPEN SPACE AND ANCILLARY WORKS
PL/2025/08934 - Lawful development: Proposed use – Installation of a home electric charger unit on the rear wall of property

ASSESSMENT AND CONCLUSION

The proposal seeks to utilise permitted development rights under Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Having completed the detailed assessment checklist at Appendix 1 and based on the submitted plans, supporting information, and a review of relevant constraints (including planning history, Article 4 Directions, and any planning conditions), it is concluded that:

The proposed development does not fall within the scope of permitted development, as permitted development (PD) rights for additions to the dwellinghouse have been removed by planning condition. Condition 6 of permission 12/04160/FUL states there shall be “no additions/extensions or external alterations to any building forming part of the development hereby permitted”.

The LPA considers the condition removes PD rights usually provided by Schedule 2, Part 1 (Development within the curtilage of a dwellinghouse), Class A (enlargement, improvement or other alteration of a dwellinghouse) of the GPDO.

The installation of an electric charger unit would be classed as an external addition to the dwellinghouse and therefore is not considered permitted development as permitted development rights have been removed.

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: Permitted development rights have been removed by condition 6 of permission 12/04160/FUL for additions/extensions or external alterations to any building forming part of the development and therefore planning permission is required.

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?	YES	Condition 6 of permission 12/04160/FUL Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), there shall be no additions/extensions or external alterations to any building forming part of the development hereby permitted. REASON: In the interests of the amenity of the area and to enable the Local Planning Authority to consider individually whether planning permission should be granted for additions/extensions or external alterations.
For the purposes of Part 1, is the property a flat or maisonette?	NO	Flats do not benefit from Part 1 PD rights