

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT

APPLICATION REFERENCE:	PL/2025/09918
APPLICATION TYPE:	Lawful development: Proposed use
SITE ADDRESS:	Premises at, Lower Stanton St Quintin, Chippenham, SN14 6AA
DEVELOPMENT DESCRIPTION:	Application to establish whether the proposed erection of an industrial building would be lawful
RECOMMENDATION:	Lawful Development Certificate for Proposed Use / Development should be REFUSED

REASON FOR APPLICATION

This application seeks a Certificate of Lawfulness (Proposed Use or Development) under the provisions of Section 192 of the Town and Country Planning Act 1990 (as amended) for the erection of a building to be used in association with existing activities at premises in Lower Stanton, St Quintin. No change of use of land is proposed.

Paragraph (1) of Section 192 indicates that:

If any person wishes to ascertain whether –

(a) any proposed use of buildings or other land; or

(b) any operations proposed to be carried out in, on, over or under land,

would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

The planning merits of the proposal are not under consideration, instead, Paragraph (2) of Section 192 forms the planning issue for assessment, and states:

If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

Following review of all information provided, the application is understood to have been made under the provisions of (1)(b).

For the purposes of clarity, the provided description has been substituted by the Local Planning Authority (LPA) to the following:

Application to establish whether the proposed erection of an industrial building would be lawful.

SITE DESCRIPTION

The proposed siting for the building is an area of hardstanding in the north-east section of a carpark south of classified c-road 'Scotland Hill' in Stanton St Quintin.



Figures 1 & 2: map and aerial view of proposed siting of building (red) and industrial site (blue)

The site is not within a protected landscape area, and, at the time of writing, there are no article 4 directions impacting the site or wider setting. No permitted development rights have been removed by condition under any of the applications affecting the site.

RECENT, RELEVANT PLANNING HISTORY (inter alia)

Affecting the proposed siting of the building:

- 16/06586/FUL granted planning permission for the *proposed siting of 3 portable buildings, additional parking/hardstanding & use of part of site for storage* on 25.10.2016

Relevant planning history affecting any part of the full site:

- N/11/02077/FUL granted planning permission for the *retention of workshop & use of land as depot/extension to workshop to provide office, mess room & W.C facilities* on 19.10.2011

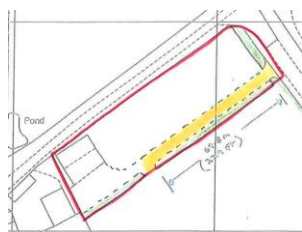


Figure 3: permitted location plan for 16/06586/FUL



Figure 4: permitted location plan for N/11/02077/FUL

Recent, Relevant planning history near the site:

None

INFORMATION PROVIDED IN SUPPORT OF THE APPLICATION

The following summarised information was provided by the applicant for LPA assessment:

Application form	Indicating: - That the proposal consists of, or includes, the carrying out of building operations - That the proposal does not consist of, or include, a change of use of the land or building(s) - That the proposal has not been started.	Signed and dated on behalf of the applicant on 11.12.2025
Covering Letter	Indicating: - That the works are considered to be permitted development under Part 7, Class H of the General Permitted Development Order (GPDO) - That the building will be located within the established commercial planning unit for purposes associated with the existing use of the site.	Prepared by LPC, Dated 16.12.2025
Location Plan	Drawing number LPC 5293 01 showing: - The extent of the planning unit (in red) - The proposed siting for the building (in black)	Dated November 2025
Ground Floor Plan	Drawing number LPC 5293 PR 04 showing: - Ground floor layout only - Indicative internal staircase location	Dated November 2025
Elevation Plans	Drawing number LPC 5293 PR 03 showing: - Northeast elevation - Southwest elevation - 2no un-labelled elevations	Dated November 2025

ISSUES

The application made under Section 192 of the TCPA, referenced PL/2025/09918 requests a certificate to demonstrate that the proposed erection of a building, to be used in association with the existing industrial use of the site, would be lawful.

The application for a certificate of lawfulness was signed on 19.12.2025 and made valid on 06.01.2026.

The key planning issue is whether the LPA have been provided with information satisfying them of the lawfulness at the time the application was made. To reach a conclusion, the following areas of assessment are being made:

- Whether sufficiently precise evidence has been provided to demonstrate that the site is within the curtilage of an existing industrial building or warehouse

- Whether sufficiently precise information has been provided to demonstrate that the proposed development otherwise meets the limitations of Schedule 2, Part 7, Class H of the GPDO

RELEVANT LEGISLATION AND POLICY

Town and Country Planning Act 1990 (TCPA)

- Part III: Control over development
 - o Section 55: Meaning of 'development' and 'new development'
 - o Section 57: Planning permission required for development
 - o Section 91: General condition limiting duration of planning permission
- Part VII: Enforcement
 - o Section 192: Certificate of lawfulness of proposed use or development
 - o Section 193: Certificates under sections 191 and 192: supplementary provisions
- Part XV: Miscellaneous and general provisions
 - o Section 336: Interpretation

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

- Schedule 2, Part 7, Class H: Extensions etc of industrial and warehouse

Planning Policy Guidance (PPG)

RELEVANT INTERPRETATIONS

Parts (1) and (2) of Section 55 of the TCPA states that:

- *(1) [...] "development", means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.*

Part (1) of Section 57 of the TCPA states that:

- *(1) [...] planning permission is required for the carrying out of any development of land.*

Section 336 of the TCPA provides the following relevant interpretations:

- *"building" includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building.*
- *"building or works" includes waste materials, refuse and other matters deposited on land, and references to the erection or construction of buildings or works shall be construed accordingly and references to the removal of buildings or works include demolition of buildings and filling in of trenches.*
- *"use", in relation to land, does not include the use of land for the carrying out of any building or other operations on it.*

Interpretations of Class H under Schedule 2, Part 7, Class H of the GPDO states that:

H.3

For the purposes of Class H, where 2 or more original buildings are within the same curtilage and are used for the same undertaking, they are to be treated as a single original building in making any measurement.

H.4

“dangerous substance” has the meaning given in regulation 2 of the Control of Major Accident Hazards Regulations 1999;

“employee facilities” means social, care or recreational facilities provided for employees of the undertaking, including crèche facilities provided for the children of such employees; and

“original building” does not include any building erected at any time under Class H.

CONSULTATION

Whilst there is no statutory requirement to consult third parties on applications for a lawful development certificate, Wiltshire Council publicised details of application PL/2025/09918 on its website.

At the time of writing, no representations have been received.

ASSESSMENT

Whether sufficiently precise evidence has been provided to demonstrate that the site is within the curtilage of an existing industrial building or warehouse

Notwithstanding that 2011 planning permission only granted a change of use for a section of this application site, as part of assessing a subsequent planning application made in 2016, Officers concluded that the established planning use of the 2016 application site is as a depot (use class B8).

This certificate site shares the same site boundary as that which was included in the approved plans condition (condition 2) of the 2016 application and as such is understood to have a B8 planning use.

Review of information provided, and otherwise available to the LPA, indicates that the area proposed for development is within the curtilage of an existing industrial building or warehouse.

Whether sufficiently precise information has been provided to demonstrate that the proposed development otherwise meets the limitations of Schedule 2, Part 7, Class H of the GPDO

Schedule 2, Part 7 of the GPDO relates to *non-domestic extensions, alterations etc.* the development proposed is for the erection of a building to be used in association with the existing

industrial use of the site. Class H relates to permitted development (PD) associated with the *erection, extension or alteration of an industrial building or a warehouse*. The development proposed meets the PD description.

Section H.1 outlines restrictions to that general PD and H.2 sets conditions. A summary of the assessment which has been made of the development against H.1 is provided below.

H.1	(a)(ii)	The site is not on article 2(3) land and as such the gross floor space of the proposed building cannot exceed 200m ² . Plans provided indicates that the footprint of the building will be approximately 181m ²
	(b)	N/A
	(c)(i)	The building will be within 10m of a boundary of the curtilage of the premises, no part of the building can be more than 5m high. Plans provided indicate that no part of the building will be more than 4.94m high.
	(d)	N/A
	(e)	No part of the building can be within 5m of any boundary of the curtilage of the premises. Plans provided indicates that all parts of the building will be more than 7m from the boundary of the curtilage of the premises.
	(f)	The development cannot lead to a reduction in the space available for the parking or turning of vehicles. Plans provided and compared with those approved under the 2016 scheme (included that which has been partially extracted as part of figure 5 of this report), and arial photographs of the site (including that shown under figure 2 of this report) indicates that the building will be in an area required for parking/turning.
	(g)	The development is not within the curtilage of a listed building

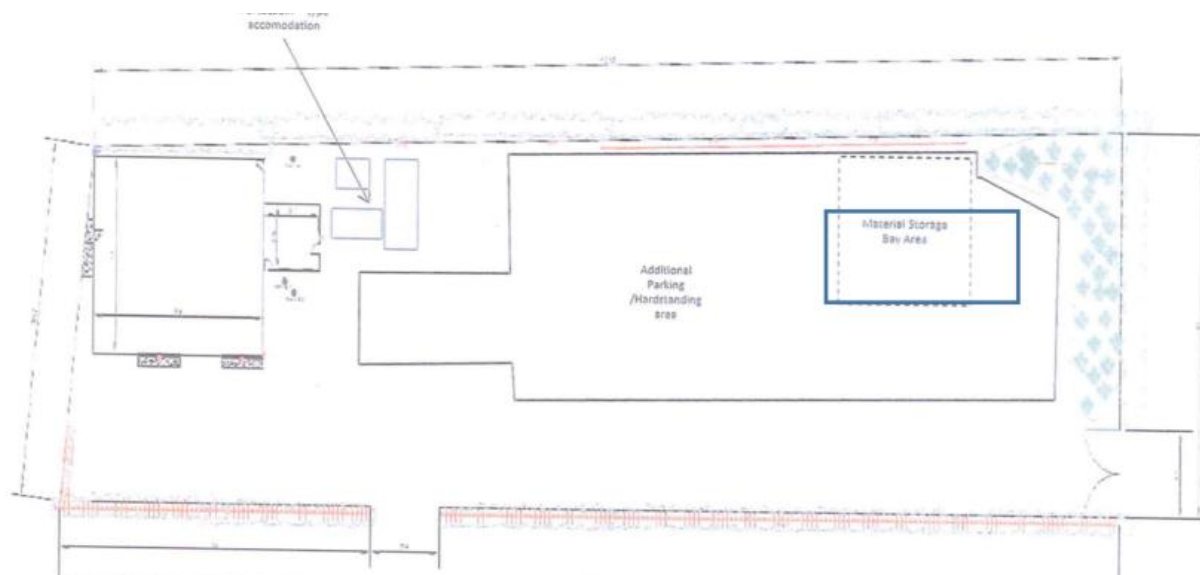


Figure 5: partial extract of layout plan approved under 16/06586/FUL with indicative location of the building (in blue) added by the Officer after overlaying plans provided under this application

Notwithstanding that the covering letter for this application suggests that H.1(f) is N/A, considering that aerial imagery shows the proposed area for the building to have been used for car parking and that some of the proposed building will be on land which was annotated on an approved plan

associated with the 2016 permission as 'additional parking / hardstanding', the LPA has not been provided with information satisfying them that the operations would be PD.

Given the above, the scheme is 'development not permitted' under Schedule 2, Part 7, Class H of the GPDO and consequently no further assessment against the conditions under H.2 is necessary.

SUMMARY AND CONCLUSION:

The proposed development is for the erection of an appropriately sized industrial building for the purposes of the undertaking, for research and development of products or processes, or the provision of employee facilities ancillary to the undertaking; however, the development would lead to a reduction in the space available for the parking or turning of vehicles and as such is development not permitted under Schedule 2, Part 7, Class H of the GPDO.

The submission does not indicate that the development would be granted under the provisions of any other part of the GPDO, or otherwise by planning permission.

The local planning authority have not been provided with information satisfying them that the operations described in the application would be lawful if instituted or begun at the time of the application. The application is recommended for refusal.

RECOMMENDATION: This request for a Lawful Development Certificate for a Proposed Use or Development should be REFUSED for the following reason:

The proposed development would lead to a reduction in the space available for the parking or turning of vehicles and as such is development not permitted under Schedule 2, Part 7, Class H of the Town and Country Planning (General Permitted Development) (England) Order, as set out under section H.1(f).

No evidence has been submitted to demonstrate that the development would be lawful by virtue of any other provision within the Town and Country Planning (General Permitted Development) (England) Order, nor is there any indication that planning permission has been granted for the development.

The local planning authority have not been provided with information satisfying them that the operations described in the application would be lawful if instituted or begun at the time of the application. In accordance with Section 192(2) of the Town and Country Planning Act 1990 the application is therefore refused.