

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT

APPLICATION REFERENCE:	PL/2026/00178
APPLICATION TYPE:	Lawful development: Proposed use
SITE ADDRESS:	45, Lower Westwood, Bradford On Avon, BA15 2AW
DEVELOPMENT DESCRIPTION:	Single storey rear extension and outbuildings
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 Single storey rear extension and two outbuildings

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–H 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/83/00322/FUL - Full planning permission Decision - Approve with Conditions Date: 3/5/1983 – Extension to porch
PL/2025/08716 - Lawful development: Proposed use Decision - Refuse Date: 14/11/2025 – Proposed porch, two storey rear extension and outbuildings.

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).

There are two key points to note in relation to the proposed development:

1. Site history and curtilage

The site originally comprised a single farmhouse which was subdivided during the 1980s to create two separate dwellings. At that time, an enlarged curtilage was designated to form a single planning unit. The area where the proposed outbuildings are to be located now forms a well-established garden and is considered residential curtilage.

2. Proposed extension

The proposed single-storey rear extension has been intentionally designed so that it does not connect to the existing side extension. As a result, it does not project beyond a wall forming a side elevation of the original dwellinghouse, therefore complies with the criteria of Part 1, Class A (e) and (j)

Having completed the detailed assessment checklist at Appendix 1 and 2, 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 fall within the scope of permitted development, as defined under Schedule 2, Part 1, Class A and E of the GPDO. It 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 following use/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/No
If yes answer questions below, if no skip to Class B		
Criteria (A.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 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

Class A – Enlargement, Improvement or alteration of a dwellinghouse		Yes/No
If yes answer questions below, if no skip to Class B		
Criteria (A.1) – Development is not permitted if:		
(f)	Would the single storey extension extend beyond the rear wall of the original dwellinghouse house by more than 4m (detached) / 3m (others) 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>	n/a
(h)	Would it have more than a single storey and extent 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?	n/a
(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	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:	Yes/No
(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?	no
(b)	Would it extent beyond a side elevation of the original dwellinghouse?	no
(c)	Would it consist of 2-storeys and extend beyond the rear wall of the original dwellinghouse?	no
(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)?	no The proposed rear extension is not attached to

	Criteria (A.2) Dwellinghouses on article 2(3) land – Development is not permitted by Class A if:	Yes/No
		the existing side extension

	Criteria (A.3) – Development is permitted by Class A subject to the following conditions:	Yes/No
(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

(k)	Was the dwellinghouse built under Part 20 of this Schedule?	no
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Class E – The provision within the curtilage of the dwellinghouse of— a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.		Yes/No
If yes answer questions below, if no skip to Class F		
Criteria (E.1) – Development is not permitted if:		
	Is the development within curtilage and incidental to enjoyment of dwellinghouse?	yes
(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 more than 50% of the curtilage be covered (excluding the original dwellinghouse)?	no
(c)	Would any part of it be situated on land forward of a wall forming the principal elevation of the original dwellinghouse?	no
(d)	Would the building have more than one storey?	no
(e)	Would the height exceed 4m (dual-pitched roof), 2.5m (within 2m of the boundary) or 3m in any other case?	no

Class E – The provision within the curtilage of the dwellinghouse of— a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.		Yes/No
If yes answer questions below, if no skip to Class F		
Criteria (E.1) – Development is not permitted if:		
(f)	Would the eaves exceed 2.5m height?	no
(g)	Is it within the curtilage of a listed building?	no
(h)	Would it include the construction or provision of a veranda, balcony or raised platform?	no
(i)	Would it relate to a dwellinghouse or a microwave antenna	no
(j)	Would the capacity of the container exceed 3,500 litres?	no
(k)	Was the dwellinghouse built under Part 20 of this Schedule?	no

Criteria (E.2) – Development is not permitted if:		Yes/No
	If the dwellinghouse is within a National Landscape or World Heritage Site, would the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse exceed 10 square metres?	n/a

Criteria (E.3) – Development is not permitted if:		Yes/No
	If the dwellinghouse is within a National Landscape or World Heritage Site, would the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse exceed 10 square metres?	n/a