

Development Management, Economic Development and Planning,
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Application for a Lawful Development Certificate for a Proposed Use or Development

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number	8
Suffix	
Property Name	
Address Line 1	Wellington Drive
Address Line 2	
Address Line 3	Wiltshire
Town/city	Devizes
Postcode	SN10 2JL

Description of site location must be completed if postcode is not known:

Easting (x)	Northing (y)
402886	163196
Description	

Applicant Details

Name/Company

Title

Mr

First name

Niall

Surname

Pollinger

Company Name

Address

Address line 1

8 Wellington Drive

Address line 2

Address line 3

Town/City

Devizes

County

Country

United Kingdom

Postcode

SN10 2JL

Are you an agent acting on behalf of the applicant?

- ☐ Yes
- ☒ No

Applicant Contact Details

Primary number

***** REDACTED *****

Secondary number

***** REDACTED *****

Fax number

Email address

***** REDACTED *****

Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

- ☒ Yes
☐ No

If Yes, please give detailed description of all such operations (includes the need to describe any proposal to alter or create a new access, layout any new street, construct any associated hard-standings, means of enclosure or means of draining the land/buildings) and indicate on your plans (in the case of a proposed building the plan should indicate the precise siting and exact dimensions)

The proposal consists of enclosing the existing open space between the previously completed single-storey ground-floor kitchen extension and the rear of the existing garage. The works will involve the construction of new external walls and the installation of a mono-pitch roof set at the same height as both the kitchen extension and the garage, ensuring that the existing rooflines are not exceeded. All external materials including wall construction, roof cladding, windows, doors, and rainwater goods will match those used on the existing kitchen extension and the garage to maintain continuity of appearance. The enclosed space will form a permanent addition to the dwelling and will be used for purposes incidental to the enjoyment of the dwellinghouse, specifically as a home gym with an en-suite shower room.

Foul drainage from the en-suite will connect to the existing water drainage system serving the property, and surface water from the new roof will be discharged into the existing surface-water drainage system via new guttering and pipework. Access to the home gym will be provided internally via the existing door in the utility room, and an additional internal access point will be installed to allow movement between the gym, utility room and the garage. A new external door will also be installed to provide an exit from the garage into the rear garden. Two new windows will be installed in the gym, both facing the rear garden, to provide natural light and ventilation. The proposal does not include any alterations to the site's vehicular or pedestrian access from the public highway, no new areas of hardstanding, and no changes to existing boundary treatments.

Does the proposal consist of, or include, a change of use of the land or building(s)?

- ☐ Yes
☒ No

Has the proposal been started?

- ☐ Yes
☒ No

Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

The land and buildings subject to this application form part of the established residential curtilage of the dwellinghouse. The property has been in continuous lawful use as a single C3 residential dwelling for a period significantly exceeding ten years, and no change of use has occurred during that time. The area to be enclosed consists entirely of land and structures associated with the domestic use of the property, namely the single-storey kitchen extension (constructed under previously approved permissions) and the existing garage (a long-standing and integral part of the dwelling's lawful curtilage).

Both structures have been in situ for well over five years, are permanent, and have not been subject to any enforcement action. The space proposed to be enclosed is therefore part of the lawful residential planning unit, and the existing buildings to which the works will attach are themselves lawful by virtue of their established use, permanent construction, and the absence of any breach of planning control within the relevant statutory time limits. As such, the proposal relates entirely to the lawful extension and alteration of an existing C3 dwellinghouse and its associated curtilage buildings.

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

Kitchen extension application - 15/08719/FUL

Select the use class that relates to the existing or last use.

C3 - Dwellinghouses

Information about the proposed use(s)

Select the use class that relates to the proposed use.

C3 - Dwellinghouses

Is the proposed operation or use

- ☒ Permanent
☐ Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

I consider that a Lawful Development Certificate should be granted for this proposal because the works constitute operational development that falls within the scope of permitted development rights. The proposal involves the enclosure of an existing gap between two lawful structures within the residential curtilage of the property, using materials that match the existing dwelling and without increasing the height of either building. The works do not extend beyond the rear wall of the original dwellinghouse in a manner that exceeds the limitations of Class A, and no part of the development projects beyond the principal elevation or creates a new independent unit of accommodation.

The proposed use of the resulting space as a home gym with an internal connection to the dwelling and an en-suite shower room, remains incidental to the enjoyment of the dwellinghouse. The space will not contain any facilities that could constitute a self-contained residential unit, and all access is provided internally through the existing utility room, with an alteration to existing internal connection to the garage. The development does not involve any alteration to vehicle access, the creation of new hardstanding, or changes to boundary treatments, which further supports its compliance with permitted development criteria.

In addition to its compliance with the GPDO, the proposed use reflects the genuine domestic needs of the occupants. My wife and I are both serving military officers, and with three young children, the ability to maintain our physical and mental wellbeing within the home environment is important, particularly given the nature of our professional commitments and the irregularity of our working hours. The home gym will serve as an incidental domestic facility that supports the everyday functioning of our household.

For these reasons it is considered that the proposal meets the legal tests for the granting of a Lawful Development Certificate.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes
☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☐ The agent
- ☒ The applicant
- ☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☐ Yes
- ☒ No

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☐ Yes
- ☒ No

Interest in the Land

Please state the applicant's interest in the land

- ☒ Owner
- ☐ Lessee
- ☐ Occupier
- ☐ Other

Declaration

I/We hereby apply for Lawful development: Proposed use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Niall Pollinger

Date

17/03/2026