

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT

APPLICATION REFERENCE:	PL/2026/01202
APPLICATION TYPE:	Lawful development: Proposed use
SITE ADDRESS:	10 Whitworth Road, Chippenham, SN15 3QS
DEVELOPMENT DESCRIPTION:	Single-storey rear extension.
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 single-storey rear extension.

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).

SITE DESCRIPTION

The property is a large, detached dwelling situated on a modern estate in the town of Chippenham. The property is situated within the Rowden Conservation Area, however, it is not listed or subject to any article 4 direction. The planning history indicates that permitted development rights have been removed for extensions and external alterations and for gates, fences, walls or other means of enclosure forward of any wall which fronts a highway, carriageway, footpath or area of public open space.

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
96.00673 – Outline – Residential Development
99.01603 – Approval of Reserved Matters for 96/00673/OL Details for 189 Dwellings, Associated Works and Master Plan.

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).

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, because:

- Permitted development rights have been removed by a planning condition as set out in application N/99/01603/REM.

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: The proposed development would not constitute permitted development by virtue of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) as permitted development rights for extensions to the property were removed by condition under application reference 99/01603/REM

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 3 of Permission 99.01603 states There shall be no extension or external alteration to any building forming part of the development hereby permitted.
For the purposes of Part 1, is the property a flat or maisonette?	No	