

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT

APPLICATION REFERENCE:	PL/2026/00672
APPLICATION TYPE:	Lawful development: Proposed use
SITE ADDRESS:	5 Old Chapel Close, Alderbury, Salisbury, SP5 3EZ
DEVELOPMENT DESCRIPTION:	Certificate of lawfulness for proposed conversion of half of the garage to a habitable room replacing the garage door with brick and window
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 conversion of half of the garage to a habitable room replacing the garage door with brick and window.

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
S/1994/0524 - Full planning permission Decision - Approve with Conditions Date: 27/5/1994 – first floor extension to form dressing room with ensuite and storage area
S/2001/0820 - Full planning permission Decision - Approve with Conditions Date: 6/6/2001 – single storey extension
ENQ/2026/00109 - PD Enquiries Decision - PD Rights Intact Date: 19/1/2026 – PD rights check

19/05434/FUL - Full planning permission Decision - Approve with Conditions Date: 29/7/2019 – Proposed Single Storey Rear Extension, increased a further 1m from previously approved application ref:18/10004/FUL
S/1999/1122 - Full planning permission Decision - Approve with Conditions Date: 17/8/1999 – erection of a conservatory
S/2003/1829 - Full planning permission Decision - Refused Date: 21/10/2003 – retrospective change of use of double garage to single garage/separate unit of accommodation
S/77/0887 - Historic apps 1974 to 1983 Decision - Refuse Date: 30/11/1977 – Vehicular access .
S/79/0138 - Historic apps 1974 to 1983 Decision - Approve with Conditions Date: 4/4/1979 – Provision of vehicular access.

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 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 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	[If yes, specify what rights are removed and when the direction was made]
Is there a condition removing PD rights for a class within which the proposal falls?	No	[If yes, cite the permission and condition number and what rights were removed]
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		Yes
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?	N/A
(d)	Would the height of the eaves exceed the height of the existing dwellinghouse eaves?	N/A
(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
(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?	N/A
(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?	N/A
(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)?	N/A
(k)	Would it include the construction or provision of a veranda, balcony or raised platform, the installation, alteration or replacement of a microwave antenna,	No

Class A – Enlargement, Improvement or alteration of a dwellinghouse		Yes/No
If yes answer questions below, if no skip to Class B		Yes
Criteria (A.1) – Development is not permitted if:		
	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?	
(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?	N/A
(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)?	N/A

	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

Class AA – The enlargement of a dwellinghouse consisting of the construction of—		Yes/No
(a) (a)up to two additional storeys, where the existing dwellinghouse consists of two or more storeys; or (b) (b)one additional storey, where the existing dwellinghouse consists of one storey, immediately above the topmost storey of the dwellinghouse, together with any engineering operations reasonably necessary for the purpose of that construction.		
If yes answer questions below, if no skip to Class B		No
Criteria (A.1) – Development is not permitted if:		
	<i>Please note that this Class 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>	

Class B – The enlargement of a dwellinghouse consisting of an addition or alteration to its roof		Yes/No
If yes answer questions below, if no skip to Class C		No
Criteria (B.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?	
(b)	Would the roof height be increased beyond the highest part of the existing roof?	
(c)	Would the enlargement extend beyond the plane of the roof slope forming the principal elevation and facing a highway?	
(d)	Would the cubic content of the resulting roof space exceed the cubic content of the original roof space by more than 40m ³ (terraced) or 50m ³ (other)?	
(e)	Would it include the (i) construction or provision of a veranda, balcony or raised platform, (ii) the installation, alteration or, the installation, alteration or replacement of a chimney, flue or soil and vent pipe?	
(f)	Is the dwellinghouse is on article 2(3) land?	
(g)	Was the dwellinghouse built under Part 20 of this Schedule?	
(h)	Was the dwellinghouse enlarged by virtue of permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys)?	

Criteria (B.2) – Development is permitted by Class B subject to the following conditions:		Yes/No
(a)	Are the materials used in any exterior work of a similar appearance?	
(b)(i)	Is the proposal a hip-to-gable enlargement or a junction with a rear/side extension? (If yes, B.2(b)(i) does not apply.)	
(b)(i)(aa)	Where applicable, are the eaves of the original roof maintained or reinstated?	
(b)(i)(bb)	Where applicable, is the edge of the enlargement at least 0.2m from the eaves, measured along the roof slope from the outside edge of the eaves?	
(b)(ii)	Where applicable, does no part of the enlargement extend beyond the outside face of any external wall of the original dwellinghouse?	
(c)	Would any upper-floor windows in side elevation be non-obscure/non-fixed shut below 1.7m?	

Class C – Any other alterations to the roof of a dwellinghouse		Yes/No
If yes answer questions below, if no skip to Class D		No
Criteria (C.2) – 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?	
(b)	Would the alteration protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof?	
(c)	Would the roof height be increased beyond the highest part of the existing roof?	
(d)	Would it include the construction or provision of a veranda, balcony or raised platform, or the installation, alteration or replacement of solar photovoltaics or solar thermal equipment?	
(e)	Was the dwellinghouse built under Part 20 of this Schedule?	

Criteria (C.2) – Development is permitted by Class C subject to the following conditions:		Yes/No
Are side-facing upper floor windows obscure-glazed and fixed shut below 1.7m?		
Are materials similar in appearance to existing dwellinghouse?		

Class D – The erection or construction of a porch outside any external door of a dwellinghouse		Yes/No
If yes answer questions below, if no skip to Class E		No
Criteria (D.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?	
(b)	Would the ground area (measured externally) of the structure exceed 3 square metres?	
(c)	Would any part of the structure be more than 3 metres above ground level?	
(d)	Would any part of the structure be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway?	
(e)	Was the dwellinghouse built under Part 20 of this Schedule?	

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		No
Criteria (E.1) – Development is not permitted if:		
	Is the development within curtilage and incidental to enjoyment of dwellinghouse?	
(a)	Was the permission to use the dwellinghouse granted Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule?	
(b)	Would more than 50% of the curtilage be covered (excluding the original dwellinghouse)?	
(c)	Would any part of it be situated on land forward of a wall forming the principal elevation of the original dwellinghouse?	
(d)	Would the building have more than one storey?	
(e)	Would the height exceed 4m (dual-pitched roof), 2.5m (within 2m of the boundary) or 3m in any other case?	
(f)	Would the eaves exceed 2.5m height?	
(g)	Is it within the curtilage of a listed building?	
(h)	Would it include the construction or provision of a veranda, balcony or raised platform?	
(i)	Would it relate to a dwellinghouse or a microwave antenna	

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		No
Criteria (E.1) – Development is not permitted if:		
(j)	Would the capacity of the container exceed 3,500 litres?	
(k)	Was the dwellinghouse built under Part 20 of this Schedule?	

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?	

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?	

Class F – Hard surfaces incidental to the enjoyment of a dwellinghouse		Yes/No
If yes answer questions below, if no skip to Class F		No
Criteria (F.1) – Development is not permitted if:		
	Is the development within curtilage and incidental to enjoyment of dwellinghouse?	
(a)	Is the hard surface situated on land between a wall forming the principal elevation of the dwellinghouse and a highway?	
(b)	Does the area of ground covered by the hard surface, or the area of hard surface replaced, exceed 5 square metres?	
	If the area exceeds 5 square metres, has the hard surface been made of porous materials, or has provision been made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse?	

Class G – The installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse		Yes/No
If yes answer questions below, if no skip to Class H		No
Criteria (G.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?	
(b)	Would the height of the chimney, flue or soil and vent pipe exceed the highest part of the roof by 1 metre or more?	
(c)	In the case of a dwellinghouse on article 2(3) land, would the chimney, flue or soil and vent pipe be installed on a wall or roof slope which fronts a highway, and forms either the principal elevation or a side elevation of the dwellinghouse?	
(d)	Was the dwellinghouse built under Part 20 of this Schedule?	

Class H – The installation, alteration or replacement of a microwave antenna on a dwellinghouse or within the curtilage of a dwellinghouse.		Yes/No
If yes answer questions below, if no skip this class and end assessment.		No
Criteria (H.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?	
(b)	Would it result in the presence on the dwellinghouse or within its curtilage of more than 2 antennas; a single antenna exceeding 1 metre in length or 2 antennas which do not meet the relevant size criteria; an antenna installed on a chimney, where the length of the antenna would exceed 0.6 metres; an antenna installed on a chimney, where the antenna would protrude above the chimney; or an antenna with a cubic capacity in excess of 35 litres?	
(c)	In the case of an antenna to be installed on a roof without a chimney, would the highest part of the antenna be higher than the highest part of the roof?	
(d)	In the case of an antenna to be installed on a roof with a chimney, would the highest part of the antenna be higher than the highest part of the chimney, or 0.6 metres measured from the highest part of the ridge tiles of the roof, whichever is the lower?	
(e)	In the case of Article 2(3) Land, would the installation of an antenna be on a chimney, wall or roof slope which faces onto, and is visible from, a highway; or be on on a building which exceeds 15 metres in height?	
(f)	Was the dwellinghouse built under Part 20 of this Schedule?	