

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT

APPLICATION REFERENCE:	PL/2026/02438
APPLICATION TYPE:	Lawful development: Proposed use
SITE ADDRESS:	2 Brownway Cottages, High Post Road, Netton, Salisbury, SP4 6AR
DEVELOPMENT DESCRIPTION:	Certificate of lawfulness for a proposed fence and gate at front of property adjacent the highway.
RECOMMENDATION:	Permitted Development

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 fence and gate at front of property adjacent the highway.

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
ENQ/2025/02054 - PD Enquiries Decision - PP Not Required Date: 12/12/2025 – Vehicle Access PD Rights Check Only – LK 16457 – repair/update front of existing access onto highway
PL/2026/02438 - Lawful development: Proposed use – Certificate of lawfulness for a proposed fence and gate at front of property adjacent the highway.

ASSESSMENT AND CONCLUSION

The proposal seeks to utilise permitted development rights under Part 2 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 & 3, 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:

Permitted Development (Lawful)

The proposed development does fall within the scope of permitted development, as defined under Schedule 2, Part 2, Class 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 2 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 3 –

Checklist for Householder permitted development under Part 2 (minor operations) of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for means of enclosure and new accesses

Class A - The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.		Yes/No
If yes answer questions below.		
Criteria (A.1) – Development is not permitted if:		
(a)(ii)	Would the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed 1m above ground level?	NO
(b)	Would the height of any other gate, fence, wall or means of enclosure erected or constructed exceed 2 metres above ground level?	NO
(c)	Would the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater?	NO
(d)	Would it involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building?	NO