

# APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT

|                                 |                                                                                                                               |
|---------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| <b>APPLICATION REFERENCE:</b>   | PL/2026/01596                                                                                                                 |
| <b>APPLICATION TYPE:</b>        | Lawful development: Proposed use                                                                                              |
| <b>SITE ADDRESS:</b>            | 3 Brooklands, Royal Wootton Bassett, Swindon,<br>SN4 7SE                                                                      |
| <b>DEVELOPMENT DESCRIPTION:</b> | Convert garage to room, block up garage door and rear access door and put windows in. Knock through to connect room to house. |
| <b>RECOMMENDATION:</b>          | Refuse                                                                                                                        |

## PROPOSAL

This application seeks a Certificate of Lawfulness (CLP) under Section 192 of the Town and Country Planning Act 1990 (as amended) for Convert garage to room, block up garage door and rear access door and put windows in. Knock through to connect room to house.

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 semi-detached dwelling situated on a small cul de sac in Royal Wootton Bassett. The property is not situated on article 2 (3) land, its 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.

## 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:

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| <b>Proposal / Summary</b>                                                                                                                                                                                 |
| N/04/03231/FUL - Full planning permission Decision - Approve with Conditions Date: 18/1/2005 – DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 10 NEW DWELLINGS AND FORMATION OF NEW VEHICULAR ACCESS |
| N/03/03017/FUL - Full planning permission Decision - Approve with Conditions Date: 6/2/2004 – DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF TEN DWELLINGS AND FORMATION OF NEW 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 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.

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 external alterations to the property were removed by condition under application reference 04/03231/FUL

## 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        | 04/03231/FUL – Condition 10 states <b><i>there shall be no extension or external alteration to any building forming part of the development hereby permitted.</i></b> |
| For the purposes of Part 1, is the property a flat or maisonette?                               | No         |                                                                                                                                                                       |