

APPLICATION FOR A CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OR DEVELOPMENT

APPLICATION REFERENCE:	PL/2026/03151
APPLICATION TYPE:	Lawful development: Proposed use
SITE ADDRESS:	62 Sambourne Road, Warminster, BA12 8LE
DEVELOPMENT DESCRIPTION:	Certificate of lawfulness for use of domestic garden shed for ancillary purposes and a clock repair workshop
RECOMMENDATION:	That a Certificate of Lawfulness for Proposed Use be GRANTED



PROPOSAL

This application seeks a Certificate of Lawfulness (CLP) under Section 192 of the Town and Country Planning Act 1990 (as amended) for the use of an existing residential outbuilding as a clock repair business.

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 having regard to Section 192 of the Town and Country Planning Act 1990 (as amended) and relevant case law concerning whether business activities undertaken from a dwellinghouse or an ancillary outbuilding constitute a material change of use.

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:

Reference	Development	Decision
W/95/00033/FUL	Extension	Approved

ASSESSMENT AND CONCLUSION

Section 192 of the Town and Country Planning Act 1990 (as amended) enables any person to apply for a Certificate of Lawfulness for a proposed use or development. The decision is concerned solely with whether the proposal would be lawful from a planning perspective and not whether it is desirable or acceptable on its planning merits.

The application seeks confirmation that the use of an existing outbuilding within the residential curtilage of the aforesaid dwellinghouse to be used as a clock repair and conservation workshop would be lawful.

The applicant's submitted statement advises that the workshop would be used for clock repair and conservation activities between the hours of 08:00 and 22:00 seven days per week, although the vast majority of activities are expected to occur between 08:00 and 18:00 Monday to Saturday. The works are described as low intensity in nature and not involving processes likely to generate significant noise, vibration or disturbance.

The applicant submits that all repair and conservation work would be undertaken by a single individual (i.e. himself) who would reside at the property. Customer visits would be by prior appointment only, generally between 09:00 and 17:30 Monday to Saturday, with visits typically lasting less than 20 minutes. The applicant advises that customer visits are expected to occur at a frequency of one to two per week and no more than four visits during any particularly busy periods.

The applicant further confirms that deliveries and collections would predominantly be undertaken through standard postal and courier services, with clock components generally being small in size. No employees would be employed, and no external alterations are proposed to facilitate the stated use. The property benefits from on-site parking which would be available for customer use during pre-arranged appointments.

The courts have established that it is a matter of fact and degree whether business activities undertaken from a dwellinghouse result in a material change of use. Relevant considerations include the scale and nature of the activity, the number of visitors, deliveries, employees, any resulting disturbance, and whether the primary character of the property remains residential.

In this instance, the proposed use of an existing outbuilding located within the residential curtilage of the dwellinghouse would be ancillary to the main function of the host building. The

scale and effects of the proposed use of the outbuilding would be limited involving a single operator, infrequent customer visits, minimal deliveries and no employees.

There is no evidence that the proposal would materially alter the character of the property as a dwellinghouse or result in the outbuilding functioning as an independent commercial premises separate from the residential occupation of the site. Overall, it is considered that the proposed activities would be of a scale and nature commonly associated with home working and would not materially affect the residential character or function of the dwellinghouse and its curtilage.

Having regard to the information submitted, the Local Planning Authority is satisfied that the proposed clock repair and conservation activities would remain ancillary to the residential use of the dwellinghouse and would not result in a material change of use requiring planning permission. The proposal therefore constitutes lawful development.

RECOMMENDATION

It is recommended that a Certificate of Lawfulness for Proposed Use be GRANTED for the following use/development:

The use of an existing outbuilding within the residential curtilage of the dwellinghouse for clock repair and conservation activities ancillary to the occupation of the dwellinghouse.

Reason for Approval

The Local Planning Authority is satisfied, on the basis of the information submitted, that the proposed use of the outbuilding for clock repair and conservation activities would be ancillary to the residential use of the host dwellinghouse and would not amount to a material change of use requiring planning permission. The proposal would therefore be lawful for the purposes of Section 192 of the Town and Country Planning Act 1990 (as amended).