

Planning Statement Section 55(2)(f) Town and Country Planning Act

Location: 8 Windmill Close, Wellingborough NN8 2EP

Proposal: Application for a Certificate of Lawfulness for Proposed Development

Permitted Development erection of porch to front elevation.

Client: AntandBex Lodgings



Nimbus Maps extract Site

Site Information

Consultant	Visionary Planning Uk
Client	Antandbex Lodgings
Site Address	8 Windmill Close Wellingborough NN8 2EP
LA	East Northamptonshire Council
Description of Development	Erection of porch to front of dwelling
Pathway (PD/Application/Appeal)	Lawful development proposed

Constraints Review

Flood Risk Zone	Flood Zone 1
Contaminated Land	None known
Tree Preservation Order	None known

Heritage Assets	None
Noise Abatement Areas	None known
Explosive Hazard Areas	Unknown
Area of Outstanding Natural Beauty	No
Special Protection Area	No
Site of Special Scientific Interest	No
RAMSAR Convention Site	No
Site of Importance to Nature Conservation	No
Article 4(2) Directions	No

Local Policy Requirements

Local Plan/Core Strategy North Northamptonshire

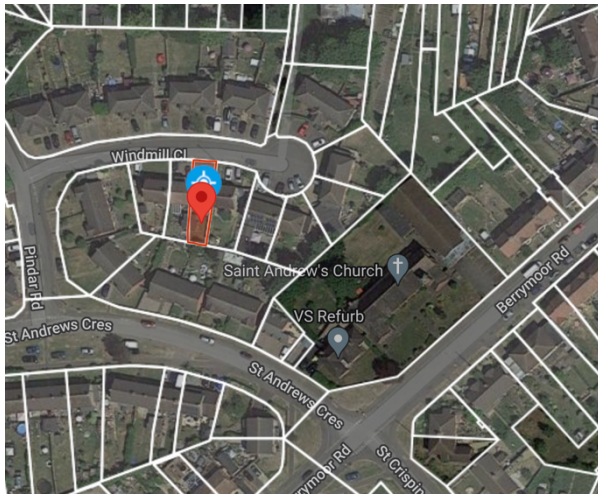
NATIONAL GUIDANCE, DEVELOPMENT PLAN POLICY AND
SUPPLEMENTARY PLANNING DOCUMENTS/GUIDANCE:
National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

North Northamptonshire Joint Core Strategy (JCS)
Policies:
1 (presumption in favour of sustainable development) 7
(community services and facilities)
8 (North Northamptonshire place shaping principles)

Supplementary planning documents/guidance:
Sustainable Design
Biodiversity
Planning Out Crime in Northamptonshire Parking

Planning History

N/A



Location of site from Nimbus Maps

August 2023

1. Introduction

1.1 This statement is to accompany a Permitted Development application under Section 192 of the Town and Country Planning Act for a; Certificate of Lawful Proposed Development for a porch to the front elevation of 8 Windmill Road, Wellingborough.

The porch measures 3m Wide, 2m Deep and 2.5m High.

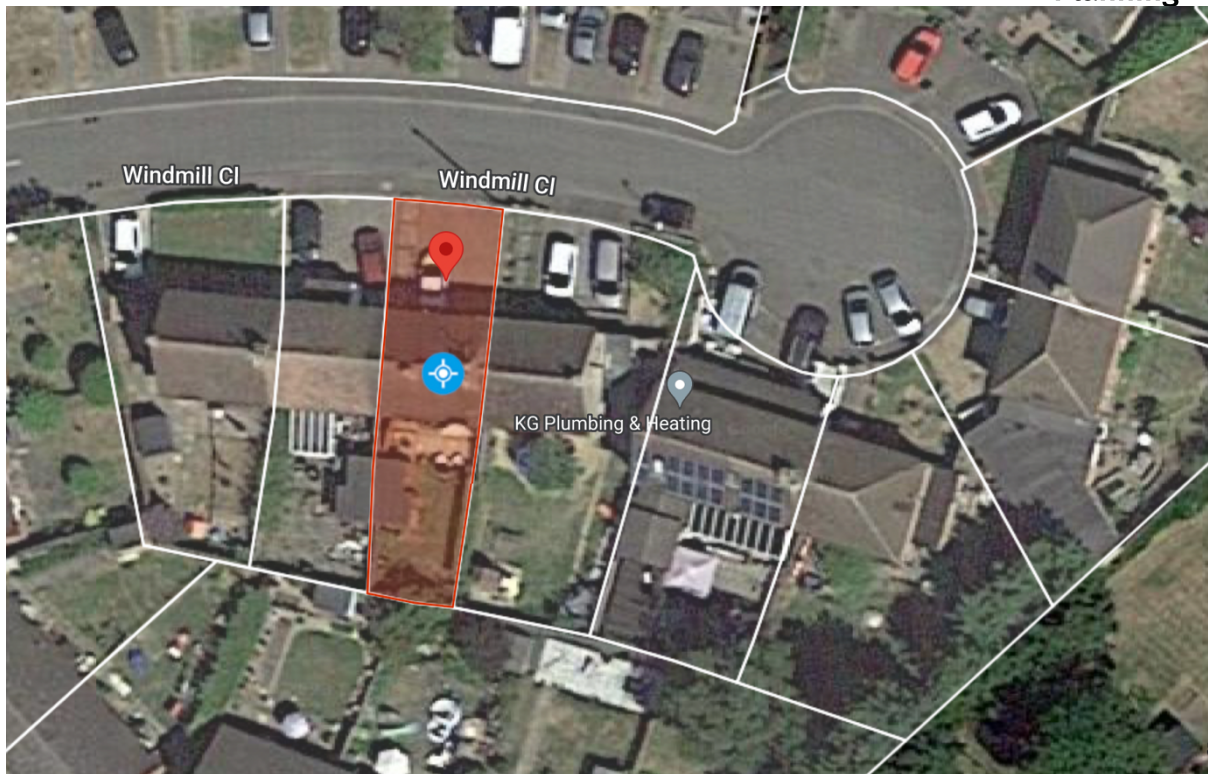
The GIA is 4.1 Sq.m.

1.2 The property is under a C3 Use class and has certain Permitted Development Rights.

1.3 The proposed Development falls under Class D, Schedule 2, Part 1 of the General Permitted Development Order (2015).

Site location Nimbus Maps





Site Location Nimbus Maps

Matters Pursuant to the application

1.4. The property is a C3 (Dwellinghouse) in a defined Urban settlement where the principle of development is accepted.

1.5 The site lies on Windmill Close, Wellingborough within a residential location.

2. The Legal Framework

Section 192 Town and Country Planning Act 1990

192 Certificate of lawfulness of proposed use or development.

(1) If any person wishes to ascertain whether—

(a) any proposed use of buildings or other land; or

(b) any operations proposed to be carried out in, on, over or under land, would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

(2) If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

(3) A certificate under this section shall—

(a) specify the land to which it relates;

(b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);

- (c) give the reasons for determining the use or operations to be lawful; and
- (d) specify the date of the application for the certificate.

(4) The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.]

The Town and Country Planning Use Classes Order (1987) (as amended) (UCO) sets out a number of different use classes and states at 3.(1):

Subject to the provisions of this Order, where a building or other land is used for a purpose of any class specified in the Schedule, the use of that building or that other land for any other purpose of the same class shall not be taken to involve development of the land

3. Proof of Evidence

4.1. SCHEDULE 2 - Permitted development rights - PART 1

Permitted development

D. The erection or construction of a porch outside any external door of a dwellinghouse.

Development not permitted

D.1 Development is not permitted by Class D if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);
- (b) the ground area (measured externally) of the structure would exceed 3 square metres;
- (c) any part of the structure would be more than 3 metres above ground level; or
- (d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.

4.0 Planning details

4.1 The accompanying plans indicate that the proposed porch meets the legislative requirements and is considered to be Permitted Development.

4.2 The plans show the size of the porch to be 4.1m².

4.3 The house is the original dwelling and is first built or as it stood on July 1 1948.

5.0 Conclusion

5.1. This application seeks a Certificate of Lawfulness for the proposed porch to the frontage of 8 Windmill Close, Wellingborough

5.2. It is our view that the Proposed Developments falls in line with the restrictions set within the Permitted Development Order.



5.3. On this basis my client therefore considers that the proposed development is lawful and a Lawful Development Certificate should be granted.