



Bluestone Planning

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16 January 2024

Dear Sir / Madam,

Application for Certificate for Lawful development at Downham Market Academy, Bexwell Road, Downham Market, Norfolk, PE38 9LL.

I refer to the above and write enclosing an application for a Certificate of Lawful Development (proposed for the erection of a modular extension to existing modular school building at Downham Market Academy, Bexwell Road, Downham Market, Norfolk, PE38 9LL. The application is made under Class M, Part 7 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

## Application Documentation

To assist with the determination of this application, the following documentation is enclosed:

1. Application Form
2. Application Plans:
  - 1:1250 Location Plan (DWG ref: 698/0124/HW 001)
  - 1:750 Existing Site Plan (DWG ref: 698/0124/HW 002)
  - 1:750 Proposed Site Plan (DWG ref: 698/0124/HW 003)
  - 1:75 Proposed Floor Plan (DWG ref: PL-101)
  - 1:100 Proposed Elevations (DWG ref: EL-101)
3. The application fee (to be paid by the applicant)

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## Introduction

Bluestone Planning have been instructed by the applicant, Wright Space Ltd, to submit this application to receive confirmation that the proposed modular extension to the existing school building is 'permitted development' by virtue of Class M of the General Permitted Development Order.

The proposal is assessed below against the limitations and criteria of Class M; ...“the erection, extension or alteration of a school, college, university or hospital building”

## The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 2) Order 2023

### Class M – extension etc for schools, colleges, universities, prisons and hospitals

#### Permitted Development

M. The erection, extension or alteration of a school, college, universities, prisons and hospital buildings

This proposal is for a modular extension to the existing modular school building within the school grounds for additional teaching space. The extension is attached to the building permitted on 18<sup>th</sup> January 2019 under application ref 18/02201/F. This proposal is therefore a form of development permitted under this Class, subject to compliance with the limitations below.

#### Development Not Permitted;

M.1 Development is not permitted by Class M if-

- a) if the cumulative footprint of any erection, extension or alteration under Class M on or after 21st April 2021 would exceed the greater of—
  - i. 25% of the cumulative footprint of the school, [college,] university, prison or hospital buildings as it was on 21st April 2021; or
  - ii. 250 square metres

The proposed extension is approximately 144 sq m and as such would not exceed 25% of the cumulative footprint of the school nor 250 sqm. The proposal does not conflict with this limitation.

- b) in the case of a college, university [prison] or hospital building,] if any part of the development would be within 5 metres of a boundary of the curtilage of the premises;

Not relevant as the proposal is a school – the building will be further away from any curtilage of the premises by more than 5m in any event.

B a) in the case of a school, where any land adjacent to the site is used for a purpose within Part C of the Schedule to the Use Classes Order (residential purposes), if any part of the proposed development is within 5 metres of the boundary of the curtilage of that residential land;

The land adjacent to the school is residential land as such is Class C use, however the proposed extension is over 5m from the boundary and would not conflict with this limitation.

- c) if, as a result of the development, any land used as a playing field at any time in the 5 years before the development commenced and remaining in this use could no longer be so used;

The land is currently not used as playing field nor has been in the previous 5 years as such the proposal would not conflict with this limitation.

- d) if the height of any new building erected would exceed:
- i. if within 10 metres of a boundary of the curtilage of the premises, 5 metres; or
  - ii. in all other cases, 6 metres;

The proposal is not within 10m of the boundary and will be 3.3m in height as such does not conflict with the above limitations.

da) if the height of any rooftop structure would exceed 1.5 metres;

There are no proposed rooftop structures and the above is not therefore applicable to this proposal.

- e) if the height of the building as extended or altered would exceed—
- i. if within 10 metres of a boundary of the curtilage of the premises, the lesser of the height of the building being extended or altered or 5 metres; or
  - ii. in all other cases, the height of the building being extended or altered;

The proposed extension is not within 10m of any boundary and would be the same height as the building it will be attached to and as such does not conflict with the above limitations.

f) if the development would be within the curtilage of a listed building; or

g) unless—

- i. in the case of school, college or university buildings, the predominant use of the existing buildings on the premises is for the provision of education;
- ii. in the case of hospital buildings, the predominant use of the existing buildings on the premises is for the provision of any medical or health services [F11;]
- iii. in the case of prison buildings—
  - 1- (aa) the predominant use of the existing buildings on the premises is for the confinement of prisoners in closed conditions;
  - 2- (bb) the buildings are located on a site with a closed perimeter; and
  - 3- (cc) the development does not involve the erection, extension or alteration of any building beyond the perimeter as it stood on 21st April 2021]

The extension would not be within the curtilage of a listed building and as such the above limitations are not relevant to this proposal.

M.2 Development is permitted by Class M subject to the following conditions—

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- a) the development is within the curtilage of an existing school, college, university [F12, prison] or hospital;

The development is wholly within the curtilage of a school and meets the requirements of the above.

- b) the development is only used as part of, or for a purpose incidental to, the use of that school, college, university [F12, prison] or hospital;

The development would provide additional classroom space for the school. As such meets the above requirement.

- c) any new building erected is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the original school, college, university [F12, prison] or hospital buildings;

The development is not on article 2(3) land however the modular extension will use the same materials as the existing building it will be attached to, and will be similar in appearance. As such the proposal meets the above requirement.

- d) any extension or alteration is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended or altered ;

The development is not on article 2(3) land however the modular extension will use the same materials as the building it will be attached to and will be similar in appearance. As such the proposal meets the above requirement.

- e) where proposed development under Class M relates to the erection, extension or alteration of a school building that results in an increase in the school's published admission number, the developer must, within a period of six months starting with

the date the development is completed, submit to the local planning authority a travel plan for the site;

It has been confirmed with the school and applicant that the published admission number of students will not increase as a result of this proposal. Two additional classrooms are for additional teaching space only therefore no travel plan is required.

- f) where proposed development under Class M relates to the erection, extension or alteration of a university building, development is permitted subject to the condition that before beginning the development the developer applies to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—
  - i. transport and highways impacts of the proposed development;
  - ii. the design and external appearance of the erection, extension or alteration; or
  - iii. the impact of the development on heritage and archaeology;
- g) an application required under paragraph (f) is to be made and determined in accordance with paragraph M.2A (procedure for applications for prior approval under Class M);
- h) development approved pursuant to an application under paragraph (f) is permitted subject to the condition that it is completed within a period of three years starting with the prior approval date

The development relates to a school as such paragraphs f, g & h are not applicable to this proposal.

## Conclusion

The proposal for the erection of a modular extension to the existing modular building has been assessed against the criteria of the relevant class (Class M, Part 7, Schedule 2 of the General Permitted Development Order) and it is concluded that no conflict with the criteria exists.



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As such, the proposal is therefore considered to be 'permitted development' by virtue of Class M, Part 7 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended). As such it is requested that a certificate of lawful development be granted to lawfully confirm this position.

If the Council have any questions regarding the proposal, we are happy to provide any further information as necessary. We look forward to hearing from you soon.

Yours faithfully,

Hannah Wiseman

Associate

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