DELEGATED DECISION REPORT

SMD/2017/0649 **Valid 27/09/2017**	**POOL BUNGALOW** **CLEWLOWS BANK** **STOCKTON BROOK**	**TRIPLE CAR GARAGE WITH PITCHED ROOF ON EXISITING GARDEN ADJACENT TO POOL BUNGALOW** **(CERTIFICATE OF LAWFULNESS - PROPOSED)**

MAIN ISSUES

Whether or not the proposed garage building can be built under "permitted development" under Class E of Part 1 of the GPDO and not require the submission of a full application for planning permission.

DESCRIPTION OF SITE

The site comprises a plot of open land to the south side of Pool Bungalow (which is within the same ownership) which is at the southern end of a row of dwellings which front Clewlows Bank to the west. More open land lies to the south, east and to the other side of the road to the west although there are a small number of dwellings directly opposite. The site is in the Green Belt. The main part of Stockton Brook village lies less than a mile to the north-west.

PROPOSAL

The application is for a certificate of lawfulness for a proposed "triple garage" to be built on the plot for the use of the residents of Pool Bungalow. The Town and Country Planning (General Permitted Development) Order 2015, in Part 1 Class E allows the erection of outbuildings within the curtilage of dwellings, under certain criteria, without the need to apply for planning permission i.e. would be deemed to be "permitted development". The applicants consider the proposed garage would fall under the criteria attached to Class E and have applied for a Lawful Development Certificate for a Proposed Development which would confirm the proposed garage's lawfulness without the need for planning permission.

The proposed garage would be L-shaped and large enough to accommodate four cars and would have maximum dimensions of 16.4 x 14.0 metres and a max height of 4.0 metres including a pitched roof.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

N/A

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

78/06329/OLDDC Site for Residential Development. Refused.

81/09994/OLDDC Formation of access to Paddock. Approved.

82/10969/OLDDC Construction of vehicle hard standing and erection of agricultural building. Refused.

81/09994/OLDDC Formation of access to paddock. Approved.

10/00193/FUL Proposed pitched roof to dwelling. Approved.

SMD/2014/0613 Outline application with some matters reserved for a detached dwelling in garden area off Pool Bungalow. Refused.

SMD/2016/0041 Demolition of existing car port and construction of a replacement garage. Approved.

SMD/2017/0425 Outline application for erection of dwelling. Refused on 3.11.17

CONSULTATIONS

N/A

OFFICER COMMENTS

Outbuildings can be erected within the residential curtilage of a dwelling without planning permission if they fall under the criteria attached to Part 1 Class E of the GPDO and the applicants require a certificate of lawfulness to claim that this particular proposed garage structure, by virtue of factors such as its siting and dimensions, is permitted development without requiring the submission of a full application for planning permission, hence the submission of an application for a certificate of lawfulness.

However, it is not considered that the plot of land forming the application site forms part of the residential curtilage of Pool Bungalow and neither did it originally form part of the curtilage when the bungalow was built. The site currently has the appearance of paddock land rather than garden. Ordnance Survey maps show the land as being separated from Pool Bungalow and there are no planning applications approving the use of this land as domestic curtilage or a Certificate of Existing Lawful Use confirming that it is part of the residential curtilage. Furthermore it is noted that previous planning applications relating to this site describe the land as a paddock. Planning permission has previously been granted for the 'Formation of an access to paddock' (reference 81/09994/OLDDC), the site in question being exactly the same plot as the site the subject of this application. An application for an agricultural building on nearby land was submitted under reference number 82/10969/OLD; these plans also show that the current application site was described as a paddock and application reference 10/00193/FUL clearly identifies the application land as

being outside of the Pool Bungalow domestic curtilage. The description of the land as a paddock and its exclusion from the application site within the 10/00193/FUL application clearly indicates that the site was not seen as domestic curtilage and was not used as such.

For the above reason, whether or not the dimensions and siting of the proposed domestic garage fall under the criteria attached to Part 1 of Class E of the GPDO are irrelevant as this part of the GPDO relates to development within a residential curtilage of a dwelling and the site does not form part of a residential curtilage. There are also no other parts of the GPDO which would allow the construction of a domestic garage on land outside of a residential curtilage.

CONCLUSION / PLANNING BALANCE

The proposed domestic garage cannot be erected under Part 1 Class E of the GPDO and also does not fall under any other part of Part 1 of any other part of the overall GPDO and therefore the application for a Certificate of Lawfulness should be refused.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Chris Johnston
Recommendation Date: 22.11.17

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council