DELEGATED DECISION REPORT

SMD/2018/0516 **Valid 09/08/2018**	**QUARRY HOUSE FARM** **MOSS HILL** **STOCKTON BROOK**	**CERTIFICATE OF LAWFULNESS FOR PROPOSED USE, EXTENSION TO EXISTING DOMESTIC GARAGE.** **(CERTIFICATE OF LAWFULNESS - PROPOSED)**

MAIN ISSUES

Whether of not the proposed garage extension can be built under permitted development in accordance with the GPDO and not require the submission of a full planning application.

DESCRIPTION OF SITE

The site is in Stockton Brook village but also within the Green Belt a short distance to the north of A53. It comprises a dwelling on the east side of Moss Hill, a large domestic garden to the south of the dwelling and a large garage building to the east of it. Another road, Heather Hills, runs along the north boundary. There are other nearby dwellings on the opposite sides of both Moss Hill to the west and Heather Hills further to the north. To the east of the site lies a field/open land with a stables/agricultural buildings within the property and accessed via a separate access to the south of the domestic garden off Moss Hill.

PROPOSAL

This is an application for a Lawful Development Certificate for a proposed development, in this case a single-storey flat-roofed extension of a long pitched-roofed domestic garage, projecting 6.0 metres from the rear/east elevation and elongating the building further. The residential curtilage has an irregular shape and the garage building is located within a narrow strip projecting east towards the field in the north-east part of the site. The extension would have a max height of 2.45 metres and maintain a gap of at least 2.0 metres from the north boundary of the residential curtilage (next to Heather Hills), 1.0 metre from the south boundary of the narrow strip and 4.0 metres from the rear boundary of that part of the curtilage.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

N/A

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

01/00095 – Barn. Refused
01/00462 – Cert of lawfulness for residential curtilage. Withdrawn

01/00050/BOC and 01/00273/BOC – Enforcement Notice for garage building and change of use to domestic curtilage. Appeal dismissed.

CONSULTATIONS

N/A

OFFICER COMMENTS

The area of land where the current garage is located was once agricultural land which appears to have become more "domesticated" over time (at least late 1990's). The garage building, to store the owners cars ancillary to the residential use of the house within the property, was built without planning permission and an Enforcement Notice served. An appeal against the notice was dismissed. However, the Inspector considered the strip of land to be residential curtilage and only dismissed the appeal as the building was considered to have a height of 4.05 metres, some 5cm higher than what is allowed under residential curtilage permitted development (in Part 1 Class E of the 1995 GPDO) i.e. not needing planning permission. However, the Council measured the building to be less than 4.0 metres and therefore dropped the case, accepting that the development constituted residential curtilage permitted development.

The extension to this domestic outbuilding would accord with the criteria in Class E of Part 1 of the GPDO (2015) relating to domestic outbuildings in that it would not amount to more than 50% of the land around the original house (within the curtilage) being taken up by buildings and would not exceed a height of 2.5 metres. It would not conflict with any other part of Class E of Part 1. The outbuilding extension can therefore be built without the need to apply for full planning permission.

An amended location plan was received to show the correct red-line boundary of the residential curtilage at this property.

CONCLUSION / PLANNING BALANCE

The proposed development is "permitted development" in the GPDO and therefore a Certificate of Lawfulness for Proposed Works can therefore be granted.

OFFICER RECOMMENDATION : APPROVE GRANT OF CERTIFICATE

Case Officer: Chris Johnston
Recommendation Date: 7.12.18

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council