CERTIFICATE APPLICATION STATEMENT

- *Date Issued: June 2018*

SITE ADDRESS:

- *Quarry House Farm, Moss Hill, Stockton Brook, Stoke-on-Trent, ST9 9Q*

APPLICANT:

- *Mr. N Mountford.*

PROPOSAL:

Certificate of lawfulness to establish that the proposed siting of three metal containers in the curtilage of the house is permitted development.

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1 INTRODUCTION

1.1 This statement and accompanying information are submitted in support of a Certificate of Lawfulness application to establish that the proposed siting of three metal containers within the curtilage of the house is lawful and is permitted development as set out in the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO 2015). The evidence submitted in support of this application consists of proposal details, a Site Plan (Drawing No. 18 017 AL (0) 10), Appendices 1 and 2 in this Statement, and a Statutory Declaration from the applicant confirming what would be stored in the building.

1.2 The relevant section of the Order is Schedule 2, Part 1, Class E(a). This states that "*The provision within the curtilage of the dwellinghouse of (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure"* subject to specified restrictions and conditions.

1.3 The containers are intended to be used for a purpose incidental to the enjoyment of the dwellinghouse, namely the storage of domestic items, tools and related equipment.

1.4 This is a certificate of lawful use/operational development application and for the avoidance of doubt it should be noted that the planning merits of the use, works or operations referred to in this certificate of lawfulness are not relevant, and are not therefore an issue to consider in the context of this application. The decision is based on relevant planning law and not planning issues. In the case of this application the key issue is whether the proposed development is in accord with the GPDO 2015 (as amended).

2. SITE & LOCATION

2.1 Quarry House Farm is a house with garden and stables situated in the Green Belt. The submitted Site Plan (Drawing No. 18 017 AL (0) 10) shows the house and buildings outside the curtilage. The residential curtilage is the area within the red line on the Plan.

2.2 The house is the property nearest to, and fronting onto the road; Moss Hill. Within the red line – to the east-north-east of the house is a second building – an extended garage. This building was the subject of a Certificate of Lawfulness application for the proposed use of, and extension to, an existing domestic garage in 2018 (ref: SMD/2018/0516). The application was approved on the basis that the development was within the domestic curtilage and complied with the criteria in Class E of Part 1 of the GPDO (2015). As part of the application process an amended location plan (Drawing No. 18 017 AL (0) 01A) was submitted which shows, as described in the Officer's report, "the correct red-line

boundary of the residential curtilage at this property". The same red line is shown on a plan in Appendix 1 of this statement. The orange hatched area on the submitted Site Plan shows the part of the curtilage (the garden) where the containers would be situated. The hatched area is set back 2 metres from Moss Hill.

2.3 Appendix 1 contains a copy of a plan, which was part of the decision notice for the 2018 Certificate, showing the curtilage marked by a red edge; this plan is a not-to-scale copy of the Drawing No. 18 017 AL (0) 10 mentioned in the previous paragraph. The plan, were kindly provided by the Council's Enforcement Officer in an email dated 11th April 2019 (see Appendix 2).

2.4 Each of the proposed containers would be 6.0 metres long; 2.4 metres wide and 2.5 metres high.

3 DETERMINING ISSUES

3.1 The key issue is whether the proposal is in accord with Schedule 2, Part 1, Class E(a) of the GPDO 2015.

3.2 The case in support of the development is:

1. **Where the containers would be located is within the curtilage of the dwelling house**. Evidence in support of this. an amended location plan (Drawing No. 18 017 AL (0) 01A) which was submitted in connection with planning application No. SMD/2018/0516 (see paragraph 2.2 above). The containers would be located in the area hatched orange.

2. **The containers constitute a "building or enclosure" as set out in Paragraph E(a) of the GPDO 2015**. Paragraph 2 on page 3 of the GPDO defines "building" as including "any structure or erection" and as such includes containers. Though containers are not specifically mentioned in Paragraph E(a) they are mentioned in paragraphs E.1(b) and E.1(c) as well as other parts of Section E.1.

3. **The containers would be used for a purpose incidental to the enjoyment of the dwellinghouse.** Please see the Statutory Declaration from the applicant.

4. **Permission for the dwellinghouse was not granted by virtue of Classes M, N, P, or Q of Part 3 of Schedule 2 of the GPDO.**

5. **The total area of ground covered by the containers and other buildings within the curtilage is a lot less than 50% of the curtilage.**

The footprint of the 3 containers; extensions to the house; the other buildings within the curtilage; ground area of the original house; the size of the original house; the total area of the curtilage; and the area of ground covered by buildings other than the original house are: -

- The footprint of the proposed three containers - 43.2 square metres.
- A house extension granted planning permission in 2005 – area 31.0 sq. metres
- The garage as extended as per the Certificate approval in 2018 – area 120 sq. metres plus approved unbuilt proposed extension of 42sq. metres making a total of 162sq. metres.
- The ground area of the original house – approx. 85.5 sq. metres.
- The total area of the three containers plus the house extensions plus the garage would be 236 sq. metres.
- Curtilage ground area – 2100 sq. metres.
- Curtilage ground area minus original house – area 2014 sq. metres.
- Area of ground covered by buildings other than the original house is about 11.8%.

6 **The principal elevation of the dwelling house is the elevation fronting onto Moss Hill. No part of the containers would be located on land forward of the principal elevation.**

Appendix 2 contains an email from the Council's Enforcement Officer which confirms that "The principal elevation of the property faces onto Moss Hill".

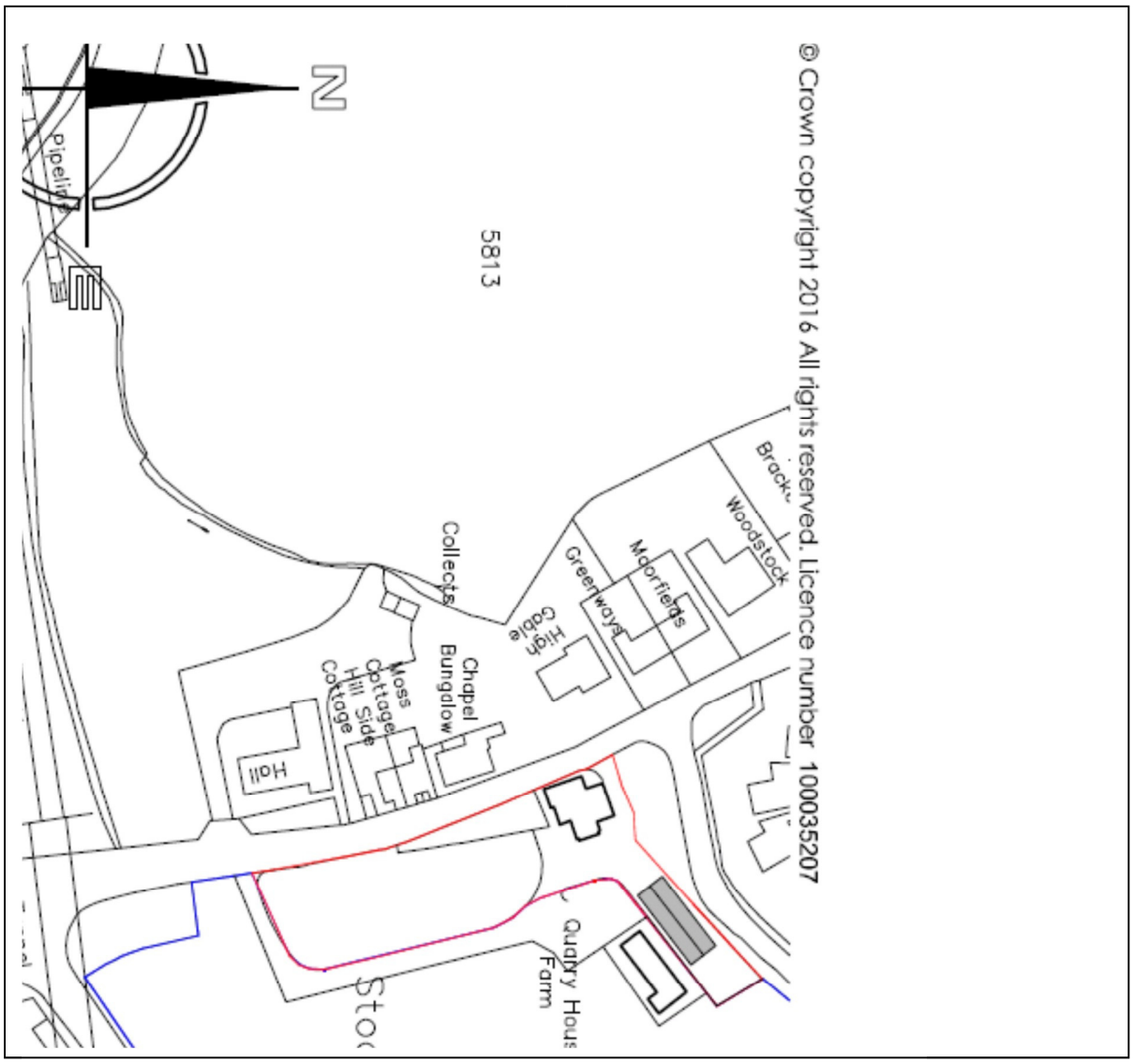
7. **The containers are single-storey.**

8. **The height of the containers (at 2.5m) is less than 3 metres and the "eaves"/height of the sides is 2.5 metres.**

6. CONCLUSION

6.1 The proposed development is in accord with the requirements in Class E of Schedule 2, Part 1, Class E of the GPDO 2015. The Local Authority is therefore respectfully requested to grant a lawful development certificate for proposed use.

APPENDIX 1 – COPY OF PLAN ACCOMPANYING THE APPROVED CERTIFICATE, 2018 - APPLICATION SMD/2018/0516



APPENDIX 2 – EMAIL FROM COUNCIL'S ENFORCEMENT OFFICER DATED 11th APRIL 2019.

Dear Mr. Wainman,

Thank you for your email.

The containers can be moved within the domestic curtilage, a Certificate of Lawfulness would be appropriate.

I refer you to the Officer's report relating to SMD/2018/0516 which states that 'An amended plan was received to show the correct red-line boundary of the residential curtilage at this property'* – For the avoidance of doubt, I attach a copy of the decision notice for the above application which contains the amended plan.

The principal elevation of the property faces onto Moss Hill. *

I note you return from holiday on 14th May. I can confirm no enforcement action will be taken in respect of the containers until you return. I would be grateful if you could advise me of the soonest date you think the application could be lodged.
I trust the above is of assistance.

Regards,

Andy Thomas

Compliance and Monitoring Officer

Tel 01298 28400 – extension 4172

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*- my highlight