DELEGATED DECISION REPORT

SMD/2019/0396 **Valid 28/06/2019**	**QUARRY HOUSE FARM** **MOSS HILL** **STOCKTON BROOK**	**CERTIFICATE OF LAWFULNESS FOR PROPOSED SITING OF THREE METAL CONTAINERS IN THE CURTILAGE OF THE HOUSE** **(CERTIFICATE OF LAWFULNESS - PROPOSED)**

MAIN ISSUES

- Whether or not the proposed containers can be placed in the garden of a residential property 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. It lies a short distance to the north of Leek Road and is on the east side of Moss Hill. It comprises a detached dwellinghouse/former farmhouse with large garden to the south side of it and outbuildings to the rear. There is agricultural land and buildings to the east and more open land to the south, both areas being part of the same property as the application site. There are dwellings and other buildings to the other side of Moss Hill to the west. Heather Hills, a residential road, lies to the north and there are other dwellings to the other side of this road.

PROPOSAL

This is an application for a Lawful Development Certificate for a proposed development, in this case the imposition of three metal storage containers on part of the side garden of the dwelling on site for the private storage uses of the residents of the property. The containers have a footprint of 6.0 x 2.5 metres and a height of 2.5 metres. An amended site plan shows a shaded zone where the containers would be placed and appears to avoid existing sewer easements which run roughly along Moss Hill and also along the driveway to the house and farm buildings which lies to the east of the garden. No plan shows a 2.5 metre gap between the road and the zone where the containers would be placed.

There are three metal containers currently stored within the property to the south of the garden to the other side of the driveway, assumed to the containers to be stored within the garden, subject of this current application. As these are currently outside of the residential curtilage, the containers are unauthorised and would require the submission of a full planning application to retain them in this position.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Not relevant. The application for a certificate is to be determined against the Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

No directly relevant applications but there have been recent applications relating to the wider property including SMD/2018/0516 which was for a certificate of lawfulness for a proposed domestic garage extension and was granted. This had details of the extent of the residential curtilage of the property.

CONSULTATIONS

N/A

OFFICER COMMENTS

The applicant is attempting to gain a certificate of lawfulness for the proposed containers which would confirm that they can be placed on the shaded zone on the site plan without needing planning permission (i.e would be "permitted development"). The lawfulness of the development (and whether or not this can be deemed to be "permitted development" which does not need planning permission) would be determined against Schedule 2, Part 1 *("*Development within the curtilage of a dwellinghouse") Class E (buildings etc incidental to the enjoyment of a dwellinghouse) of the General Permitted Development Order (2015) (GPDO). The buildings, in this case, include structures as defined in page 3 of the GPDO and containers can be deemed to be structures.

It is accepted that the shaded zone is within the garden adjacent to the house and is therefore within the residential curtilage of the property.

With regard to Class E and the criteria in it which must be met for the proposal to be "permitted development" not requiring planning permission, the three containers cumulatively would not exceed 50% of the area around the house which forms the curtilage. The containers also would not be situated on land forward of a wall forming the principal elevation of the original dwellinghouse. The front elevation faces the road and is just approx. 1.0 metre away from it. No part of the shaded zone where the containers would be placed would be within 2.5 metres of the same road and therefore no part of it would be further forward of the primary elevation (i.e. front) of the house. The height would not exceed the height thresholds set out in the Class E criteria. The house is not listed. The site is also not in a Conservation Area.

The proposal therefore complies with Part 1 Class E of the GPDO and the containers can therefore be placed on the shaded zone under permitted development not requiring a planning application.

CONCLUSION / PLANNING BALANCE

The proposed provision of three containers for private domestic use within part of the domestic garden of the property, within the curtilage of the house, would comply with Part 1 Class E of the GPDO and therefore a full application for planning permission is not required.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Chris Johnston
Recommendation Date: 6.11.19

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council