Planning Statement

Certificate of Lawfulness for a proposed development to establish whether an erection of a detached building forming a garage would constitute permitted development at Highfield House, School Lane, Longsdon, ST9 9QS

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1. INTRODUCTION

1.1. This statement has been prepared to accompany an application for a Certificate of Lawfulness of Proposed Use or Development to confirm the lawfulness of the construction of a detached garage in the western corner of the application site.

2. THE APPLICATION

2.1. This application seeks to confirm that the garage would be used for residential purposes to provide incidental (or additional) accommodation to the dwellinghouse and therefore would be permitted development under Schedule 2, Part 1, Class E of the GPDO. The proposed garage would be compliant with all the requirements and conditions of Class E.

3. CONTEXT

3.1. SITE LOCATION AND DESCRIPTION

3.2. The application site consists of the dwellinghouse known as Highfield House with ancillary detached buildings and the new detached garage. The site is bounded by School Lane to the south, a farm to the north, access to the farm and fields to the west and Ladderedge (A53).

3.3. The site area is 1494sqm and it has two access points from School Lane. The proposed annexe would use the most western access point which was approved under application SMD/2014/0603.

4. CONSULTATION AND BACKGROUND

4.1. Pre-application discussions with the duty planning officer (Lisa Howard) and the applicant, took place with a meeting at the Staffordshire Moorlands council offices. Good, positive discussions took place and the duty planning officer provided a encouraging response for an application.

5. LEGISLATIVE BACKGROUND

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) (THE "1990 ACT") SECTION 55: MEANING OF "DEVELOPMENT" AND "NEW DEVELOPMENT"

5.1. The development is to be considered under the legislation of General Permitted Development Order 1995 (as amended) at Schedule 2 Class E and E1. It identifies development permitted for curtilage buildings. The garage would be considered to be a curtilage building. Permitted Development allowances are as follows:

5.2. <u>Class E. Permitted development</u>

5.2.1.The provision within the curtilage of a dwellinghouse of –

a) any building or enclosure, swimming or other pool required for a purpose
b) Incidental to the enjoyment of the dwellinghouse as such, or the maintenance,
c) improvement or other alteration of such a building or enclosure; or
d) (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas

5.3. E.1 Development not permitted

5.3.1. Development is not permitted by Class E if—

a) the total area of ground covered by buildings, enclosures and containers within the curtilage(other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original house);
b) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;
c) the building would have more than one storey;
d) the height of the building, container or enclosure would exceed –
e) 4 metres in the case a building with a dual-pitched roof, 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
f) 3 metres in any other case;
g) the height of the eaves of the building would exceed 2.5 metres
h) the building, enclosure, pool or container would be situated within the curtilage of a listed building;
i) it would include the construction or provision of a veranda, balcony or raised platform;
j) it relates to a dwelling or microwave antenna; or
k) the capacity of the container would exceed 3,500 litres.

6. THE NATIONAL PLANNING PRACTICE GUIDANCE (THE "NPPG")

6.1. Section 17c of the NPPG sets out guidance on lawful development certificates and applications for lawful development certificates.

6.2. Paragraph 6 of this section (ref: 17c-006-20140306) states that an applicant is responsible for providing sufficient information to support an application for a lawful development certificate, although a local planning authority always needs to co-operate with an applicant. It continues that a local planning authority is entitled to canvass evidence if it so wishes before determining an application. However, if a local planning authority obtains evidence, this needs to be shared with the applicant, who needs to have the opportunity to comment on it and possibly produce counter-evidence.

6.3. In terms of certificate applications relating to proposed development, paragraph ref: 17c-006-20140306 states that an applicant needs to describe the proposal with sufficient clarity to enable a local planning authority to understand exactly what is involved.

6.4. Paragraph ref: 17c-009-20140306 states that in determining an application for a lawful development certificate, the local planning authority needs to consider whether, on the facts of

the case and relevant planning law, the specific matter is or would be lawful. Planning merits are not relevant at any stage.

6.5. Paragraph 003 Reference ID: 17c-003-20140306 of the NPPG gives general advice on the tests

6.6. to be applied when considering applications for certificates. It states:

"..lawful development is development against which no enforcement action may be taken and where no enforcement notice is in force or, for which planning permission is not required."

7. THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT ORDER) 2015

7.1. The Town and Country Planning (General Permitted Development Order) 2015 (hereby referred to as the 'GPDO') sets out development that does not require planning permission.

7.2. Class E of Part 1 of Schedule 2 of the GPDO allows for the provision within the curtilage of a

7.3. dwellinghouse of any building required for a purpose incidental to the enjoyment of the dwellinghouse, subject to other criteria set out in Class E being satisfied.

7.4. It also allows for the improvement or other alteration of such a building, again provided that the other criteria set out in Class E would continue to be met.

9. PROPOSAL

9.1. PROPOSED USE

9.2. The proposal is for a garage that measures some 8m x 9m with a small projection of 3m. The applicant currently has two outbuildings on the site. One is used as a workshop and has recently gained planning to convert it to holiday accommodation while the other is a small storage shed.

9.3. Both of these outbuildings do not provide enough working area or storage for the applicant's current needs or allow the indoor maintenance of the applicant's motorhome. Therefore, the proposals will provide a safe, secure and dry environment to store, maintain and repair their motorhome and additional activities in relation to the enjoyment of the dwellinghouse. The new garage will provide areas of bike & tool storage and bench areas for working on the motorhome.

9.4. Also, the current size of the motorhome has informed the size of the garage as it is 2.5m wide by some 7m long and 3m high therefore requiring a large garage as now shown in this application. The motorhome can be seen onsite.

10. COMPLIANCE WITH GPDO

10.1. Highfield House benefits from full permitted development rights under the 2015 GPDO. The proposed garage would be located in the northern area of the site and would be situated within the residential curtilage of Highfield House. It would be a single storey structure with a brick façade and pitched tiled roof. The extent of the residential curtilage has previously been discussed and accepted by officers of the Council. The garage would be not forward of the main principal elevation of the house. The residential curtilage of Highfield House is shown on the plan ref: 5764-PD-01 and measures 1494sqm in gross area.

10.2. Class E of the General Permitted Development Order (as amended) states that *"The provision within the curtilage of the dwellinghouse of 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"* is permitted development, providing certain criteria are met.

10.3. Development is not permitted by Class E if—

10.3.1. the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original house);

a) The new building has a footprint of 85sqm and as mentioned previously the site area is 1494sqm therefore measures less than 6% of the area.

10.3.2. any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

b) It is clear that the principal elevation of the main Highfield House faces the A53 Ladderedge Road and therefore the garage sits in rear garden.

10.3.3. the building would have more than one storey;

c) The new garage is a single storey building.

10.3.4. the height of the building, container or enclosure would exceed –

10.3.5. 4 metres in the case a building with a dual-pitched roof; 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or

10.3.6. 3 metres in any other case;

d) The new building is located more than 2m from a boundary and under 4m high as shown on drawing ref: 5764-PD-01

10.3.7. the height of the eaves of the building would exceed 2.5 metres;

e) The eaves height is 2.4m as shown on drawing ref: The new building is under 4m high as shown on drawing ref: 5764-PD-01

10.3.8. the building, enclosure, pool or container would be situated within the curtilage of a listed building;

f) Not applicable.

10.3.9. it would include the construction or provision of a veranda, balcony or raised platform;

g) Not applicable

10.3.10. it relates to a dwelling or microwave antenna; or

10.3.11. the capacity of the container would exceed 3,500 litres.

h) Not applicable

11. As a matter of fact the garage, as an outbuilding providing accommodation incidental to the enjoyment of the dwellinghouse within the curtilage of Highfield House complies with the above criteria and is therefore considered to be development permitted by the Order and does not require planning permission.

13. SUMMARY AND CONCLUSIONS

13.1. The application is for a Certificate of Lawfulness (Proposed) under Section 192 of the Town and Country Planning Act (As Amended) and is only to be determined on matters of fact. Applications of this nature are determined solely by reference to Schedule 2 Part E and E 1 of the Town and Country Planning (General Permitted) Development Order 1995 (as amended) which sets out those developments within the residential curtilage (garden) of a dwellinghouse which may be undertaken without the need for planning permission. Determination of Certificate of Lawful Development (Proposed) are based on matters of fact and evidence. Planning merits are not material and have no relevance. Such applications are not subject to consultation. A decision is solely a question of whether or not planning permission is required for the proposed works, and whether it is development permitted by the Order.

13.2. It has been shown that both the use of the garage building for use as a residential annexe is lawful and does not require planning permission.

13.3. We therefore request that a Certificate of Lawfulness is granted to confirm that the building of a garage building, as set out in this application, would not be development requiring planning permission.

13.4. The proposed garage would be permitted development under Schedule 2, Part 1, Class E of the GPDO.

13.5. The proposed garage would be compliant with all the requirements and conditions of Class E.

13.6. We respectfully request that this application is approved, and a certificate granted.