

DELEGATED DECISION REPORT

SMD/2021/0402
Valid 30/06/2021

HOLLYWELL COTTAGE
HUNTLEY ROAD
DENFORD
LEEK

CERTIFICATE OF LAWFUL
DEVELOPMENT – PROPOSED
DETACHED OAK GARAGE

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

Whether the proposed development comprises permitted development under Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

DESCRIPTION OF SITE

The application site comprises a detached, two-storey dwellinghouse that was approved as a replacement dwelling under application SMD/2016/0294. The site is located to the west of Huntley Road, in an isolated position in the North Staffordshire Green Belt. The dwellinghouse is located in the southeastern corner of the plot with its principal elevation facing southwest. The property has a large garden to the west and north and formed the site edged red in the recently approved 2016 application.

PROPOSAL

The applicant has applied for a Lawful Development Certificate for the proposed construction of an Oak framed detached outbuilding that will comprise a double garage and a workshop. The building will be sited within the northeastern corner of the plot, with the entrance to the garages/workshop facing south. The outbuilding will have a dual pitched roof. The garages will be open-fronted, whilst vertically boarded garage doors will be positioned to the front of the workshop.

OFFICER COMMENTS

The dwellinghouse was constructed following approval of planning application SMD/2016/0294. Permitted development rights were removed by Condition 4 of the Decision Notice that for Classes A, B, C and D of Part 1, Schedule 2. Therefore permitted development rights remain intact for Class E outbuildings.

Schedule 2, Part 1, Class E applies to 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; or

- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

The use of the detached outbuilding as a double garage and associated workshop comprises a purpose incidental to the enjoyment of the dwellinghouse.

E.1:

- (a) The dwellinghouse was not granted by virtue of Class M, N, P or Q of Part 3, Schedule 2;
- (b) The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) will not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);
- (c) The proposed building will not be situated on land forward of a wall forming the principal elevation of the original dwellinghouse. The principal elevation faces in a southwesterly direction and the outbuilding will be sited to the north of the dwellinghouse, adjacent to its side elevation;
- (d) The building will not have more than a one storey;
- (e) The building will be sited just over two metres from the plot boundary. The building will have a dual pitched roof and it will not exceed 4 metres in height;
- (f) The height of the eaves of the building will be 2.3 metres and therefore it will not exceed 2.5 metres;
- (g) The building will not be situated within the curtilage of a Listed Building;
- (h) The building will not include the construction or provision of a verandah, balcony or raised platform;
- (i) It does not relate to a dwelling or a microwave antenna;
- (j) It does not relate to a container;
- (k) The dwellinghouse was not built under Part 20 of this Schedule (construction of new dwellinghouses).

E.2 The dwellinghouse is not located within—

- (a) an area of outstanding natural beauty;
 - (b) the Broads;
 - (c) a National Park; or
 - (d) a World Heritage Site,
- And therefore E.2 is not applicable.

E.3 The dwellinghouse does not fall within land designated as article 2(3) land.

CONCLUSION / PLANNING BALANCE

The proposed detached garage and workshop comprises permitted development under Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015.

OFFICER RECOMMENDATION: **Issue a POSITIVE Certificate**

Case Officer: Ailsa Berry

Recommendation Date: 24/08/2021

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council