

## DELEGATED DECISION REPORT

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**SMD/2021/0202**  
**Valid 24/03/2021**

**PEMBERLEY HOUSE AND  
FARM SANDY LANE  
CAVERSWALL**

**APPLICATION FOR LAWFUL  
DEVELOPMENT CERTIFICATE  
FOR PROPOSED GARAGE**

**(CERTIFICATE OF  
LAWFULNESS - PROPOSED)**

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### MAIN ISSUES

- Whether compliant with GPDO(2015) Schedule 2 Part 1 Class E

### DESCRIPTION OF SITE

Land associated with detached dwelling previously altered following application SMD/2015/0711 approved in 2016.

Site lies to NE side of the dwelling as shown in the 1:500 site plan in drawing AL(0)402 submitted. This is within an equivalent site red edge to that shown for SMD/2015/0711 on drawing PL(0) 101 listed as one of the approved plans (Site Layout/Location and Roof Plan) – see Fig.1.

A public footpath passes through the site to the east side on a SE to NW line.

### PROPOSAL

Detached 3-bay garage with open front and dual pitched roof. Overall length 10.4m, depth 6.0m and height to ridge 3.9m, height to eaves 2.4m. There would be a space of c.4.5m between the east end wall and the site boundary to the east and c.4.8m between the rear wall the site boundary to the NW (rear).

### RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Refer to GPDO (2015) schedule 2 part 1: Development within the curtilage of a dwellinghouse and Class E of that part: buildings etc incidental to the enjoyment of a dwellinghouse

### SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

**SMD/2015/0711** – Demolition of existing single storey side extension, erection of a two storey side extension, front porch and replacement single storey rear extension including brick and stone re-skinning of dwelling – approved

**SMD/2016/0048** – Retention of alterations to existing garage to form a home office and workshop – approved [This lies elsewhere in the ownership and outside of the dwelling red edge / curtilage.]

## CONSULTATIONS

None

## OFFICER COMMENTS

### Principle of Development

Part 1 Class e permits a building incidental to the enjoyment of a dwellinghouse subject to meeting a series of tests listed at E.1 and relevant to this application these are:

- (b) 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 dwellinghouse);
- (c) 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;
- (d) the building would have more than a single storey;
- (e) the height of the building, enclosure or container would exceed—
  - (i) 4 metres in the case of a building with a dual-pitched roof,
  - (ii) 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
  - (iii) 3 metres in any other case;
- (f) the height of the eaves of the building would exceed 2.5 metres;



Fig 1 – 2016 approval red edge

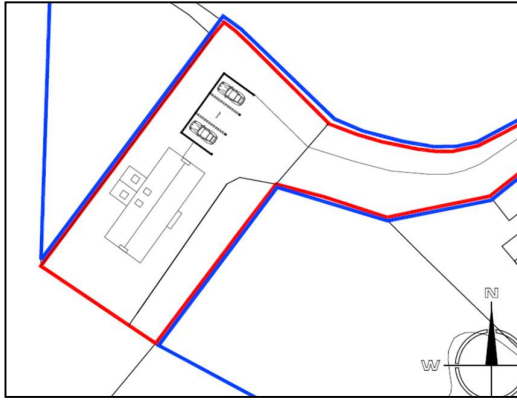


Fig 2 – LDC proposal

Whilst the 2016 approval (ref SMD/2015/0711) included a condition removing certain PD rights (condition 3 removed PD classes A, B, C and D) there is no record of any condition removing Class E rights.

It can be seen from the submitted drawings that the proposal lies within land previously accepted as part of the residential planning unit and which in this case can reasonably be considered part of the curtilage of the dwelling. The proposal would not result in buildings (not taking into account the dwelling) exceeding 50% of the total curtilage.

The proposal does not extend forward of a line corresponding to a continuation of the front or 'principal' elevation of the dwelling; the proposal is single storey; the proposal does not come to within 2 metres of the boundary of the curtilage; has a dual pitched roof and does not exceed 4m in height; the eaves do not exceed 2.5m.

#### **CONCLUSION / PLANNING BALANCE**

Based on the above it can be concluded that the proposal would be lawful as permitted development under Class E of Part 1 in Schedule 2 of the GPDO (2015) and would have been lawful as of the date of the application being submitted.

**OFFICER RECOMMENDATION :**     **Issue a lawful development certificate**

**Case Officer:** Arne Swithenbank

**Recommendation Date:** 20<sup>th</sup> December 2021

X *B.J. Haywood*

Signed by: Ben Haywood

**On behalf of Staffordshire Moorlands District Council**

