DELEGATED DECISION REPORT

SMD/2022/0659 **Valid 17/01/2023**	**1 HIGHFIELD ROAD WEST BIDDULPH**	**CERTIFICATE OF LAWFULNESS FOR THE PROPOSED DEMOLITION OF EXISTING STRUCTURES AND THE CONSTRUCTION OF A SINGLE STOREY GARAGE AND WORKSHOP** **(CERTIFICATE OF LAWFULNESS - PROPOSED)**

MAIN ISSUES
On the date of the application would the proposed development have been permitted by Class E, Part 1, Sched. 2 of the General Permitted Development Order and therefore immune from action and lawful?

DESCRIPTION OF SITE
Semi detached hipped roof dwelling occupying a corner plot. The corner position dictates a triangular or wedge shaped plot where it is wide at the front and narrows to a point at the rear.

Against a long side length of boundary, adjacent to the neighbours brick built garage there is a timber shed.

PROPOSAL
To replace the timber shed with a long flat roof garage and workshop building. The building is to be built from brick and have a flat roof that does not exceed a maximum height of 2.5m.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS
None Relevant

OFFICER COMMENTS
Part 1, Class E permits the provision within the curtilage of the dwellinghouse *any building or enclosure required for a purpose incidental to the enjoyment of the dwellinghouse.*

The building must not exceed 2.5m if it is within 2metres of curtilage boundary, or elsewhere within the curtilage not exceed an eaves height of 2.5m and a max height of 4m. The building in this case would be within 2m of the boundary but have an eaves height and maximum height of no more than 2.5m. The development does not exceed the height limits.

A dwelling house on a residential estate, the curtilage of the dwellinghouse is simple to define. The proposal is to provide the building to the rear of the dwellinghouse, against the rear boundary, and therefore on land which is not forward of the principal elevation of the dwellinghouse. The submitted site plan indicates the precise footprint and location of the building within the curtilage.

The building is described as a garage and a workshop. The application does not specify how the workshop would be used, but generally workshop type uses can be incidental to the enjoyment of the dwellinghouse. The application can be determined and a certificate issued on the assumption that this would be the case.

The land does not fall within any of the designations identified in E.2 of the GPDO.

If it is used for purposes that are not incidental to the dwelling then a material change of use will occur which would not be lawful.

CONCLUSION / PLANNING BALANCE
The building would be permitted by Class E, Part 1 of the GPDO.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Ben Hurst
Recommendation Date: 14/03/2023

X

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council