7th June 2023

Mr. D. Cleary
Staffordshire Moorlands District Council
Stockwell Street
Leek
Staffordshire
ST13 6HQ

Dear Declan

LAWFUL DEVELOPMENT CERTIFICATE FOR OUTBUILDING – 161 PARK LANE, KNYPERSLEY

On behalf of our client Mrs. E. Whalley I would be grateful if you would find enclosed a lawful development certificate application pertaining to the proposed erection of a detached outbuilding at the above site.

The application follows on from the recent grant of planning permission for alterations to land levels within the rear garden of the property (SMD/2023/0041) with the proposed outbuilding to be constructed on the lowered land level approved under that application.

This Lawful Development Certificate application seeks to demonstrate that the proposed outbuilding constructed will amount to Permitted Development under the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), and would therefore be lawful. This Planning Statement should be read in conjunction with drawing 01207-PL(0)21C which accompanies the application.

The provisions of Class E confirm that the erection of any building required for a purpose incidental to the enjoyment of the dwellinghouse is permitted development, provided that there is no conflict with a number of criteria. In this particular case the outbuilding is used as a garden room / seating area. Both are uses that can be regarded as incidental to the enjoyment of the dwellinghouse.

The proposed outbuilding meets the other criteria under Schedule 2, Part 1, Class 1 in that:

- It does not relate to a dwelling that was granted by virtue of Classes G, M, MA, N, P, PA or Q of the Order (criterion a)
- It does not exceed 50% of the total area of domestic curtilage (criterion b)
- It does not project forward of the principal elevation of the dwellinghouse (criterion c)
- It is single storey in height (criterion d)
- It has a flat roof which does not exceed 2.5 metres in height to the top of the flat roof, and which is within 2 metres of the site boundary (criterion e)
- Its eaves height does not exceed 2.5 metres (criterion f)
- It is not situated within the curtilage of a listed building (criterion g)
- It does not include any form of verandah, balcony or raised platform (criterion h)
- It does not relate to a microwave antenna (criterion i)

- It does not constitute a container (criterion j)
- It does not relate to a dwellinghouse built under Part 20 of the Order (criterion k)

Having regard to the above facts, it is submitted that the proposed detached outbuilding will amount to Permitted Development under the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) and is therefore lawful. The Local Authority is respectfully requested to issue a Lawful Development Certificate to confirm this.

I trust this proposal will be of interest and look forward to hearing from you.

Yours Sincerely
Hewitt&Carr Services



Rob Duncan BSc(Hons) MA MRTPI
Planning Consultant