

DELEGATED DECISION REPORT

SMD/2023/0567
Valid 14/11/2023

51A PARK LANE
KNYPERSLEY

**APPLICATION FOR A LAWFUL
DEVELOPMENT CERTIFICATE
FOR A PROPOSED GARAGE
CONSTRUCTED WITHIN THE
GROUNDS OF 51A. 2M+ FROM
ALL BOUNDARIES.**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

MAIN ISSUES

Whether or not a proposed detached garage building in the rear garden of a dwelling can be built in accordance with the Town and Country Planning (General Permitted Development) Order 2015 (as amended), Part 1, Class E and therefore be deemed to be “permitted development” not requiring the submission of a full planning application.

DESCRIPTION OF SITE

The site is within the Development Boundary of Biddulph/Knypersley and comprises a detached bungalow on the north side of Park Lane. There are dwellings either side of the site. The bungalow has a rear garden which expands across the rear of the adjacent property to the west and up to Woodland Street. There are rear gardens of other residential properties to the north and east of the rear garden on site. There is a driveway connecting Park Lane to the rear of the bungalow via the east side of the dwelling.

PROPOSAL

This is an application for a Lawful Development Certificate for a proposed development, in this case a single-storey detached triple garage building to be placed in the rear garden close to the rear boundary. It would replace an existing outbuilding in the same position. The siting, scale and design of the building have been amended. The building would have a pitched roof and an eaves height of 2.5m and a ridge height of 4.0 metres (measured from the flat ground around the building). It would have a footprint of 9.5 x 7.0 metres.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Not relevant. The application for a certificate is to be determined against the Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2023/0379: Full planning application for a new dwelling in the rear garden. Refused.

CONSULTATIONS

N/A

OFFICER COMMENTS

The applicant is attempting to gain a certificate of lawfulness for the building which would confirm that it can be built and provided without needing planning permission (i.e would be “permitted development”). The lawfulness of the development (and whether or not this can be deemed to be “permitted development” which does not need planning permission) would be determined against Schedule 2, Part 1 (“Development within the curtilage of a dwellinghouse”) Class E (“buildings etc incidental to the enjoyment of a dwellinghouse”) of Schedule 2 of the General Permitted Development Order (2015) (GPDO) (as amended).

I am satisfied that the location of the proposed building is within the residential curtilage of the dwelling as it is in the same parcel of land as the dwelling, it currently a garden for the dwelling and is also close enough to the dwelling. I am satisfied that the building due to its form and design would be used for the purposes that are incidental to the enjoyment of the residential property, in this case the garaging of vehicles or domestic storage or workshop purposes. The proposed building conforms with the particular criteria/tests in Part 1 Class E in terms of the dimensions and siting of the building. For example, regarding the tests affected by the proposal, it would not lead to more than 50% of the land around the house, within the curtilage being taken up by development and therefore conforms with Class E(b). It would not be forward of the primary elevation of the dwelling or more than one storey (in compliance with (c) and (d). It would not exceed a height of 4.0 metres, an eaves height of 2.5 metres or would be placed less than 2.0 metres from any boundary of the curtilage in compliance with (e) and (f). It would not fall under any of the other categories of development listed in the other criteria of Class E.

The building would also not be on land affected by Class E.2 or E.3. For example, it is not in a Conservation Area.

CONCLUSION / PLANNING BALANCE

The proposed works would comply with Part 1 Class E of Schedule 2 of the GPDO and therefore a full application for planning permission is not required for the proposed domestic garage building. The works are therefore be deemed to be permitted development that can be built without planning permission and a Certificate of Lawfulness can therefore be granted for the proposal.

OFFICER RECOMMENDATION : GRANT CERTIFICATE

Case Officer: Chris Johnston
Recommendation Date: 11.4.24

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council