

## DELEGATED DECISION REPORT

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**SMD/2024/0347**  
**Valid 29/07/2024**

**TOLL GATE COTTAGE**  
**TEAN ROAD**  
**CHEADLE**

**APPLICATION FOR A LAWFUL**  
**DEVELOPMENT CERTIFICATE**  
**FOR -**  
**PROPOSED ERECTION OF**  
**DETACHED GARAGE**

**(CERTIFICATE OF**  
**LAWFULNESS - PROPOSED)**

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### MAIN ISSUES

Whether or not a proposed detached garage building to the side 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 relates to a detached cottage on a corner plot that fronts onto Tean Road and sides onto the A522. It sits outside of the Development Boundary of Cheadle and located within the green belt.

### PROPOSAL

The applicant sought Lawful Development Certificate for a single-storey detached double garage building. This will be located 23m to the west of the dwelling, setback from the main road. 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 x 7.0 metres. It will be made of metal sheeting cladding.

### RELEVANT PLANNING POLICIES

Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

### SITE HISTORY

SMD/2006/0867: Side/rear conservatory. Refused.

SMD/2000/0990; Change of use of domestic outbuilding to dog grooming business. Approved.

### EVIDENCE IIN SUPPORT OF THE APPLICATION

- Application form
- Drawing no: 01396 AL(0) 01 B proposed works
- Planning Statement
- Appendix A- Land Charges Map

## OFFICER COMMENTS

The purpose of this assessment is to determine whether or not the detached garage 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).

**E** 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 garage is located within the residential curtilage of the dwelling as it is in the same parcel of land as the dwelling, currently a garden for the dwelling and is also close enough to the dwelling. The form and design of the garage appears to 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.**

**E.1** Development is not permitted by Class E if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use); **The application site has not previously been involved as part of a change of use.**

- (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); **The garage will not exceed 50% of the total area of the curtilage.**

- (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; **The property fronts on Tean Road. The garage is located to the rear of the property.**

- (d) the building would have more than a single storey; **The building will be 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;

**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).**

(g)the building, enclosure, pool or container would be situated within the curtilage of a listed building;

**The property is not situated within the curtilage of a listed building.**

(h)it would include the construction or provision of a verandah, balcony or raised platform;

**No verandah, balcony or raised platform has been proposed.**

(i)it relates to a dwelling or a microwave antenna;

**Does not relate to a dwelling or microwave antenna.**

(j)the capacity of the container would exceed 3,500 litres; or

**No applicable**

(k)the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

**The proposed works does not sit within a new dwellinghouse built under Part 20.**

**E.2** In the case of any land within the curtilage of the dwellinghouse which is within—

(a)an area of outstanding natural beauty;

(b)the Broads;

(c)a National Park; or

(d)a World Heritage Site,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

**E.3** In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

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

## **CONCLUSION**

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 :**    **Approve**

**Case Officer:** Lisa Li

**Recommendation Date:** 12/09/24

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Signed by: Jane Curley

**On behalf of Staffordshire Moorlands District Council**