

DELEGATED DECISION REPORT

SMD/2025/0078
Valid 10/02/2025

10 DALES CLOSE
BIDDULPH MOOR

**CERTIFICATE OF
LAWFULNESS FOR
PROPOSED CURRENT
LENGTH OF LOW KERB IN
FRONT OF EXISTING
DRIVEWAY TO BE EXTENDED
AND SOME HEDGE REMOVED
TO WIDEN USABLE
DRIVEWAY**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

MAIN ISSUES

Whether the proposed development is considered permitted development under the provision of 'The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)'.

DESCRIPTION OF SITE

The proposed site comprises a semi-detached brick, stone, render and tile dwellinghouse and its associated curtilage, situated in the Biddulph Moor ward. Additionally, the proposed site is within the Biddulph Moor development boundary, where development is encouraged to be concentrated. The site is enclosed by neighbouring dwellinghouses on the North and South. No. 12 Dales Close is situated to the North of the site and No. 8 Dales Close is located to the South. The rear curtilage of the site adjoins an area of open greenbelt land and the Biddulph Town 53 Public Right of Way to the East. The Dales Close highway runs adjacent to the proposed site on the West.

PROPOSAL

The proposed development comprises of extending the current length of dropped kerb in front of the existing driveway and removing some hedging to widen the usable driveway.

Initially, the applicants applied for a new platform lift on the principal elevation under the application. However, the platform lift was removed from the proposed works, as it does not comply with permitted development regulations.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Permitted development rights for householders: Technical Guidance

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

N/A

CONSULTATIONS

Publicity

N/A

Public Comments

N/A

OFFICER COMMENTS

Having regard to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), it is necessary to assess whether the proposed development adheres to the criteria stated in Schedule 2, Part 1, Class F, Schedule 2, Part 2, Class B and Schedule 2, Part 11, Class C of the GPDO, to determine whether the householder development is permitted.

Extended Driveway

Schedule 2, Part 1, Class F, provides permitted development rights within the curtilage of a house for the provision of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such or the replacement in whole or in part of such a surface.

Class F.1 states that development is not permitted if the dwellinghouse is a result of a change of use under Part 3 of the GPDO. The dwellinghouse has not been the subject of a change of use. Complies.

Under Class F.2, development is permitted subject to the condition that where the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres, either the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse. The new driveway is to be

constructed from permeable block paving, laid to fall into new surface water drainage channels within the curtilage of the property to ensure no run-off onto the highway. Complies.

Dropped Kerb

Under Schedule 2, Part 2, Class B, the formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road can occur under permitted development, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A, Part 2).

Dales Close is an unclassified road, therefore the proposed dropped kerb would not conflict with Class B.

Hedge Removal

Under Schedule 2, Part 11, Class C, any building operation consisting of the demolition of the whole or any part of any gate, fence, wall or other means of enclosure can be permitted. Development is not permitted by Class C if the demolition is “relevant demolition” for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area).

The site is not within a conservation area, therefore Class C is not applicable. Furthermore, the removal of boundary hedging is not considered to be an act of development.

Permitted development rights in relation to the proposed site remain intact.

CONCLUSION / PLANNING BALANCE

The proposed development is considered ‘permitted development’ under the provision of ‘The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)’. Thus, a Certificate of Lawfulness for the proposed development works can be granted based upon the evidence which architectural documentation provides.

OFFICER RECOMMENDATION: APPROVE

Case Officer: Hannah Varley

Recommendation Date: 31/03/2025

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council