

## DELEGATED DECISION REPORT

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**SMD/2026/0203**  
**Valid 23/04/2026**

**18 NEWPOOL ROAD**  
**KNYPERSLEY**

**CERTIFICATE OF  
LAWFULNESS FOR A  
PROPOSED GARAGE  
CONVERSION**

**(CERTIFICATE OF  
LAWFULNESS - PROPOSED)**

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### MAIN ISSUES

- Are there any planning conditions that require the space to be retained as a garage and/or remove the rights and allowances of the General Permitted Development Order?
- Would the change from a garage to a dining room result in a material change of use?
- Are the alterations permitted by Class A, Part 1 of the GPDO?

### DESCRIPTION OF SITE

Pre war semi detached dwelling on a wide corner plot. The dwelling has been extended, under a planning permission granted in 1988, with a single storey side addition that provides a kitchen and a garage on ground floor and a dormer bedroom in its full pitch roof space.

The extension presents an up and over garage door from its side elevation.

To the rear of the property a detached, separate garage has been provided and extended with planning permission granted in 2009.

### PROPOSAL

Described on application form as: Proposed garage conversion.

The application seeks a certificate of lawfulness to confirm that it has been determined by the LPA that the proposals would be lawful and not require planning permission or could not be subject to planning enforcement action.

The plans detail the bricking up of a personnel door and a garage door space on the dwelling's side elevation and its replacement with a window. The internal garage space would become a dining area open to the existing kitchen.

The building alterations and the garage conversion would affect a part of the dwelling that forms a single storey side extension, added to the original dwelling under a planning permission granted in 1988.

Therefore:

Changing use of existing internal dwelling space from garage to dining room (Not a material change of use but are there planning conditions that prohibit this?)  
Building alterations that would not enlarge the dwelling (are the operations permitted by the GPDO?)

#### **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

88/00563/OLD DEMOLITION OF EXISTING UTILITY ROOM AND GARAGE AND REBUILD TO FORM GARAGE AND KITCHEN. APPROVED.

00/00060/FUL Single detached garage. APPROVED.

09/00481/FUL Single Storey Side Extension to Existing Garage. APPROVED.

09/00827/FUL Single storey side extension to existing garage. APPROVED.

#### **OFFICER COMMENTS**

Are there any planning conditions that require the space to be retained as a garage and/or remove the rights and allowances of the General Permitted Development Order?

The conversion and alterations would only affect the part of the dwelling that provides a side extension to the original dwelling, built under a planning permission granted in 1988. The terms of that planning permission have been reviewed. There are no conditions attached that require the garage space to remain as such or have the effect of removing the provisions of the GPDO.

Would the change from a garage to a dining room result in a material change of use?

The change from a garage to a dining room would not be an act of development and would not require planning permission if it does not result in a *material* change of use. Garage space/uses and a dining room/use are both, different, but ancillary uses linked to the primary use of the unit as a single dwellinghouse.

It is well established by the courts that a change between two ancillary uses that would be both linked to the primary use of the planning unit, would not result in a material change of use and would not be development.

Are the alterations permitted by Class A, Part 1 of the GPDO?

The proposal would result in the alteration of a dwellinghouse within its curtilage. The alteration of a dwellinghouse is permitted by Part 1 Class A of the GPDO, subject to there not being any exceedance of the limitations set out at A.1. In those regards:

- The works would not result in any ground being covered by buildings.
- The height of the part of the dwellinghouse altered would not exceed the height of the highest part of the roof of the existing dwellinghouse;
- The height of the eaves of the part of the dwellinghouse altered would not exceed the height of the eaves of the existing dwellinghouse;
- The alterations would not include any enlargement;

- The alterations would not include the provision of a balcony, the installation of microwave antenna, works to a chimney, or an alteration to the dwelling's roof.

The brick to be used to block openings would match those of the existing dwelling and the replacement windows and doors would match the brown Upvc frames of the other windows at the dwelling. The proposal would therefore comply with the condition at A.3(a).

The proposed alterations would therefore be permitted by Class A, Part 1, Schedule 2 of the GPDO 2015 and not require planning permission. They would be lawful.

### **CONCLUSION / PLANNING BALANCE**

The proposal would be lawful, it does not require planning permission and could not be subject to enforcement action.

**OFFICER RECOMMENDATION :    APPROVAL**

**Case Officer: Ben Hurst**

**Recommendation Date: 17/06/2026**

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Signed by: Jane Colley Signature

**On behalf of Staffordshire Moorlands District Council**