

DELEGATED DECISION REPORT

SMD/2026/0281
Valid 08/06/2026

1 FIDDLERS BANK
BROWN EDGE

**CERTIFICATE OF
LAWFULNESS FOR A
PROPOSED ERECTION OF
DETACHED GARAGE**

**(CERTIFICATE OF
LAWFULNESS - PROPOSED)**

MAIN ISSUES

- To consider whether the proposal would be permitted by Class E, Part 1 Schedule 2 of the GPDO 2015.

DESCRIPTION OF SITE

The application site is a modest semi-detached dwelling within the countryside, north east of the Brown Edge settlement boundary. It also falls within the Green Belt.

The property sits perpendicular to Chapel Lane and faces towards Fiddler's Bank. It benefits from a private garden made up of artificial grass and gravel and also serves as off-street parking off Chapel Lane to the east of the site. To the front of the property, there is a timber gate that also offers additional off-street parking.



PROPOSAL

This is a Certificate of Proposed Lawful Development for the erection of a detached garage and garden room on the western side of the dwelling.

The proposed double garage building will have an external width of 8.2m, a depth of 7m and flat roof height of 2.5m. It features a large garage door that fronts onto Chapel Lane. The garden room will adjoin the side/ east elevation of the garage and be partially setback. It will have a width of 1.8m and depth of 6.2m and, feature a flat roof of exact height as the garage. Collectively, the detached building will 10m by maximum length of 7m.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 192 of The Town and Country Planning Act 1990 (as amended). The Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class E

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

There is no statutory requirement to consult third parties on applications such as this. It is noted that any representations regarding the planning merits (or otherwise) of the application cannot be considered as this application is to be determined based on whether the proposal is lawful.

EVIDENCE IN SUPPORT OF THE APPLICATION

26-031-INC-DR-2010-Rev A Ground Floor Plan - Existing PD
26-031-INC-DR-2011-Rev A Ground Floor Plan - Proposed PD
26-031-INC-DR-2012-Rev A Elevations - Proposed PD
26-031-INC-DR-2013-Rev A Sections - Proposed PD
26-031-INC-DR-2014-Rev A Site Location Plan PD
26-031-INC-DR-2014-Rev A Site Block Plan PD

OFFICER COMMENTS

Class E of Part 1, Schedule 2 of the General Permitted Development Order 2015 allows for *'buildings etc incidental to the enjoyment of a dwellinghouse'* subject to

compliance with several provisions. The Permitted Development rite allows the following.

Class 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.

No planning history can be found to show that Permitted Development Rights have been removed.

Part 1, Class E allows for ‘buildings etc incidental to the enjoyment of a dwellinghouse.’ The plans shows a double garage with storage area, described as a garden room. At its largest, the overall footprint measures 10m by 7m with a maximum ridge height of 2.5m. A garage is typically seen as second use for a dwelling and would be in close relationship with the dwellinghouse with easy access between the two buildings. Whilst the building is considerably large for its curtilage, the appearance and layout would appear to be incidental to comply with this element of the Class E.

In terms of whether the proposal would constitute an engineering operation, the proposed outbuilding would sit on a levelled surface within the footing that has created by the applicant at the time of visit. In this case, it is concluded that the land excavations works are minimal.

Assessment of Schedule 2, Part 1, Class E is as follows.

E.1

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);

Complies. Permission for use of the dwelling as a dwelling has not been through the Part 3 changes of use route.

(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);

Complies. Total area of ground does not exceed 50% of the curtilage.

The case officer has requested a block plan and calculations of the existing curtilage and following, the built garage. The agent has provided the following;

- **The Gross external curtilage area is 244 sqm (excluding the original dwelling house).**
- **The Gross external area of the proposed garage is 70 sqm**

The case officer has come up with similar calculations however has noted that the built form would equate to 80sqm as this includes the proposed garage and the existing two outbuildings (outbuildings covered 10sqm). Given that

the curtilage is 244sqm, the built form (80sqm) would sit below the 50% of the curtilage threshold. Therefore, the application accords E.1b.

(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;

According to the GPDO Technical Guidance, it states ‘in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.’

The main architectural features via a front porch and original brick facade is to the southern elevation which faces Fiddlers Bank. Access to the garage is effectively taken from the ‘rear’ of the property off Chapel Lane which is where this road ends and becomes Fiddlers Bank. It complies with this criteria.

(d) the building would have more than a single storey; **Complies.**

(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 **Complies**

(iii) 3 metres in any other case;

(f) the height of the eaves of the building would exceed 2.5 metres; **Complies**

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

building;

(h) it would include the construction or provision of a verandah, balcony or raised platform; **No applicable**

(i) it relates to a dwelling or a microwave antenna; **Not applicable**

Not applicable. Does not relate to a container.

Not applicable. The dwelling is not built under Part 20

E.2 Not applicable. The site is not within an AONB, the Broads, a National Park or a World Heritage Site.

E.3 Not applicable as the property is not within a Conservation Area.

E.4 Interpretation of Class E noted.

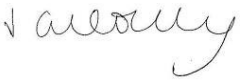
CONCLUSION / PLANNING BALANCE

The scheme complies with the Class E criteria.

OFFICER RECOMMENDATION : Approve

Case Officer: Lisa O'Brien

Recommendation Date: 1/09/26

X 

Signed by: Jane Curley

On behalf of Staffordshire Moorlands District Council