

Application for Certificate of Lawful Development

Thorncroft, Lower Hague, New Mills, SK22 3AP

Supporting Statement

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Reference: 20_036_Thorncroft

**Supporting Statement in respect of an application for a Certificate of Lawful Development
at Thorncroft, Lower Hague, New Mills, SK22 3AP**

Prepared on behalf of

Mr and Mrs K. Povah

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Issue	Date	Author	Comment
DV	08/02/2020	CT	
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CONTENTS

1	INTRODUCTION	1
2	THE SITE	2
3	CONTEXT FOR THE DEVELOPMENT	4
3.1	Relevant Planning History	4
4	PROPOSED DEVELOPMENT	5
5	CLASS A – ENLARGEMENT, IMPROVEMENT OR OTHER ALTERATION OF A DWELLINGHOUSE	Error! Bookmark not defined.
5.2	Compliance with the Order.....	Error! Bookmark not defined.
6	CLASS AA – CONSTRUCTION OF AN ADDITIONAL STOREY	Error! Bookmark not defined.
6.2	Compliance with the Order.....	Error! Bookmark not defined.
7	CLASS E – BUILDINGS ETC INCIDENTAL TO THE ENJOYMENT OF A DWELLINGHOUSE ...	5
7.2	Compliance with the Order.....	6
8	CLASS F - HARD SURFACES	7
8.2	Compliance with the Order.....	8
9	CONCLUSION	9

1 INTRODUCTION

- 1.1.1 This Statement has been prepared by Crowley Associates on behalf of Mr and Mrs K. Povah (the “Applicants”) and relates to an application for Certificate of Lawful Development for a proposed development in accordance with Section 192 of the Town and Country Planning Act 1990.
- 1.1.2 The application seeks to establish that proposed additions to the curtilage of the dwellinghouse at Thorncroft, Lower Hague, New Mills (the “site”) constitute Permitted Development as defined by Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – (the “Order”).
- 1.1.3 The Statement sets out a summary of the proposed development and appraises this against the provisions of the Order.
- 1.1.4 The Statement has been prepared solely for the use of the Applicant in support of the application and for no other purpose.
- 1.1.5 The site is located within the administrative boundary of High Peak Borough Council (the LPA).

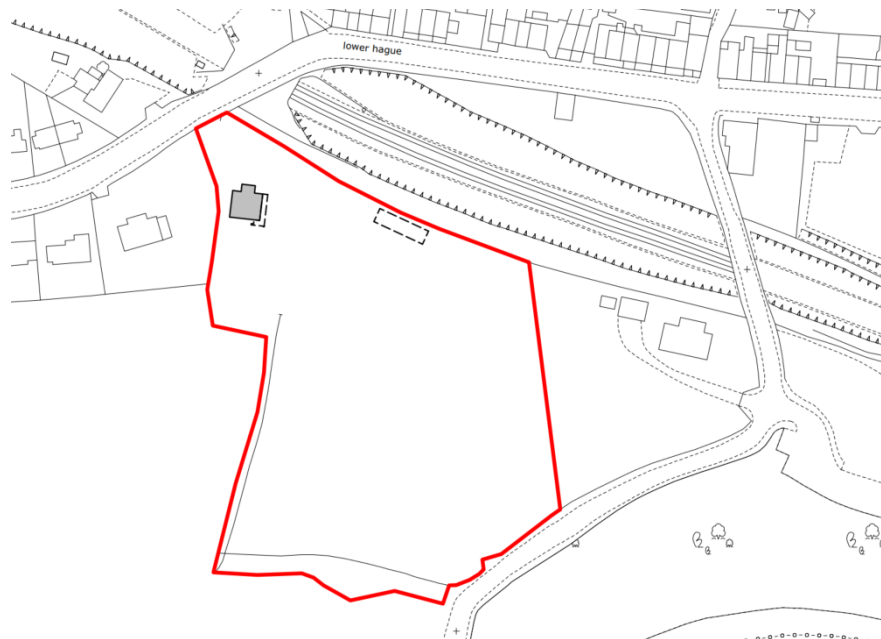


Figure 1 Site Location Plan © Paul Testa Architecture

- 1.1.6 The proposed development is fully described in the following sections and the application is supported by a set of scaled drawings prepared by Paul Testa Architecture. The drawings are listed below:

Table 1 *List of Drawings Submitted with Application*

Drawing No.	Drawing Title	Date of Drawing
PT138-PTA-00-ZZ-DR-A-00001	Site Location Plan	August 2020
PT138-PTA-00-ZZ-DR-A-00003	Existing Site and Roof Plan	April 2021
PT138-PTA-00-ZZ-DR-A-00020	Existing Plan and Elevations	April 2021
PT138-PTA-00-ZZ-DR-A-00102	Proposed Site/Block Plan	April 2021
PT138-PTA-00-ZZ-DR-A-00130	Proposed Floor Plan – Store / Workshop	April 2021
PT138-PTA-00-ZZ-DR-A-00140	Proposed Sections – Store / Workshop	April 2021
PT138-PTA-00-ZZ-DR-A-00150	Proposed Elevations – Store / Workshop	April 2021

2 THE SITE

- 2.1.1 The site encompasses the curtilage to Thorncroft, a two-storey property in residential use, which dates from the late 20th Century. The dwelling is split-level, appearing as single storey to the main elevation, but two-storey to the remaining elevations, is faced in a mix of stone and render, and sits under a pitched, concrete tiled roof. The property has gated access, is set below the level of the road (the B6101) and enjoys expansive gardens which have been cultivated by the owners for many years, as pasture, to the south. It also has areas of existing hardstanding to its north, east and south elevations.
- 2.1.2 The site is also occupied by an outbuilding. Originally erected to stable horses (which were grazed on the property), the outbuilding is now used for storage purposes in connection

with the dwelling at Thorncroft. The building is permanent in nature, of substantial construction, and in a good state of repair.

- 2.1.3 It is bordered to the north east by the live Hope Valley railway, which passes through the Goyt Valley at this point, and links New Mills Central (located approximately 1.3km east/south east of the site) with Sheffield, and Manchester Piccadilly. The live line runs past the site along a cutting, and the tracks are situated well below ground level within the site. The cutting is screened from the site by a belt of mature landscaping, which is within the ownership of and maintained by Railtrack.



Figure 2 Aerial View of the Site and Approx. Site Boundary © Google Maps

- 2.1.4 Surrounded on three sides by development, the site is experienced in the only long view of it from the south, within the context of the existing townscape. It forms a gap in an otherwise built-up frontage.

- 2.1.5 There is a neighbouring dwelling to the east, separated from the site, by mature landscaping. To the south, south west and south east, the site gives way onto open fields which are screened by strips of trees which enclose the site.
- 2.1.6 The site is located at Lower Hague; some 1.57km west/northwest of New Mills and within the Green Belt.
- 2.1.7 The site does not lie within a Conservation Area, Area of Outstanding Natural Beauty, National Park or World Heritage Site and therefore does not constitute Article 2(3) or Article 2(4) Land.

3 CONTEXT FOR THE DEVELOPMENT

3.1 Relevant Planning History

- 3.1.1 Two separate planning applications could be found associated with the site. They are detailed in Table 2 below. The most recent being an application which sought the demolition of the existing outbuilding and erection of a single dwelling in its place. The application was refused in December 2018. The application was subject to an appeal (Appeal Ref: APP/H1033/W/19/3229290) which was dismissed in June 2020.

Table 2 Overview of Relevant Planning Applications

Planning Application Reference	Description	Decision	Decision Date
HPK/0003/3130	One Detached House and Garage	Refused	Jan 1994
HPK/2017/0219	Proposed demolition of existing outbuilding and erection of a single dwelling	Refused	Dec 2018

4

5 PROPOSED DEVELOPMENT

5.1.1 The proposals include a number of aspects of development which are each considered to comprise 'Development within the curtilage of a dwellinghouse', in accordance with Part 1 of Schedule 2 of the Order.

5.1.2 The proposed development, detailed on the Proposed Site/Block Plan (Drawing No. PT138-PTA-00-ZZ-DR-A-00102), comprises:

- Removal of existing outbuilding
- Erection of new outbuilding comprising:
 - Motorbike Store;
 - Garden Store;
 - Workshop.
- Creation of additional hardstanding in the form of permeable gravel which will serve as access to the new outbuilding.

5.1.3 Compliance of the above with Schedule 2 Part 1 of the Order is assessed from section 5 below. The Applicants understand the following 'Classes' are of direct relevance to this application:

- Class E (buildings etc incidental to the enjoyment of a dwellinghouse)
- Class F (hard surfaces incidental to the enjoyment of a dwellinghouse)

6 CLASS E – BUILDINGS ETC INCIDENTAL TO THE ENJOYMENT OF A DWELLINGHOUSE

6.1.1 Class E of the Order sets out the nature of those buildings (incidental to the enjoyment of a dwellinghouse) which constitute permitted development.

- 6.1.2 The proposed development includes a new building which will replace the existing outbuilding found on the site. It will comprise a combined motorbike store, garden store and workshop.

6.2 Compliance with the Order

- 6.2.1 This section will assess the new building under Class E of the Order.
- 6.2.2 Class E of the Order states that buildings etc incidental to the enjoyment of a dwellinghouse constitute permitted development unless:

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use)

- 6.2.3 The dwelling has not been granted permission by means of the above.

(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)

- 6.2.4 As a result of the works (under Class E of the Order) and considering the curtilage of the dwellinghouse totals approximately 1.25 ha in area, the amount of ground covered by buildings within the curtilage of the dwellinghouse 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

- 6.2.5 The outbuilding will not extend beyond the principal elevation of the original dwellinghouse.

(d) the building would have more than a single storey

- 6.2.6 The new building will be a single storey structure.

(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

6.2.7 The new building will have a dual pitched roof and will not exceed 4 metres in height.

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

6.2.8 The eaves of the new building will not exceed 2.5 metres.

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

6.2.9 The proposed outbuildings will not be situated within the curtilage of a listed building.

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

6.2.10 The new building does not include any of the above.

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

6.2.11 The new building is not a separate dwelling, nor does it relate to a microwave antenna.

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

6.2.12 The new building does not relate to a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

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

6.2.13 The dwellinghouse was not built under Part 20 of this Schedule.

7 CLASS F - HARD SURFACES

7.1.1 Class F of the Order sets out the instances whereby hard surfaces incidental to the enjoyment of a dwellinghouse constitute permitted development.

- 7.1.2 All proposed hard surfacing is considered incidental to the enjoyment of the dwellinghouse and includes the creation of additional hardstanding which will serve as access to the new motorbike store, garden store and workshop building.

7.2 Compliance with the Order

- 7.2.1 This section of the Statement will assess the proposed additional hard surface, under Class F of the Order.

- 7.2.2 Class F of the Order states that development is permitted by Class F unless:

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use)

- 7.2.3 The dwelling has not been granted permission by means of the above.

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

- 7.2.4 The dwellinghouse was not built under Part 20 of this Schedule.

- 7.2.5 Development is permitted by Class F subject to the condition that where:

(a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and

(b) 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 is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

- 7.2.6 All hard surfacing which is situated forward of the principal elevation and which is greater in area than 5 square metres is to comprise gravel which is considered a porous material.

8 CONCLUSION

- 8.1.1 This Statement is submitted in support of an application for a Certificate of Lawful Development for the proposed additions within the curtilage of Thorncroft, Lower Hague, New Mills.
- 8.1.2 It assesses the proposed additions and alterations in relation to Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) in order to establish that the proposed works constitute Permitted Development.
- 8.1.3 It is clear from the assessment undertaken within this Statement that all the proposed works do constitute Permitted Development under the terms of the Order and therefore a Certificate of Lawful Development should be issued by the Local Planning Authority to confirm this.