

Application for a Certificate of Lawful Proposed Development residential ancillary outbuilding. We consider the proposal complies with Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 as amended.

The site is 6 Bottwood House New Mills Road Chisworth SK13 5DJ
Proposed – Erection of an outbuilding to house a home gym garden room for use in connection with the dwelling at 6 New Mills Road Chisworth SK13 5DJ

Support Statement

The site is not within a Conservation Area and not within a National Park or any other Article 1(5) designated land. There are no published previous conditions restricting permitted development rights.

The application is accompanied by plans by R A Fisk and Associates which clearly show the dimensions of the proposed outbuilding; from which it is possible to assess its compliance with the quantitative provisions of Class E of Part 1 of Schedule 2 to the GPDO.

The following table demonstrates the development complies with the criteria within E.1, E.2 and E.3 of the GPDO.

Criteria of Class E	Response
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 M, N, P, PA or Q of Part 3 of this Schedule (changes of use);	Not applicable. The property has been in residential use situ for many years. The land has remained in residential 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 total area of development does not exceed 50% of the total area of the cartilage (excluding the original dwellinghouse). This is demonstrated within R A Fisk & Associate Plans.
(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	The outbuilding is not forward of the principal elevation.

original dwellinghouse;	
(d) the building would have more than one storey;	The outbuilding is single storey as noted within R A Fisk & Associate Plans
(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;	The height would not exceed 4 metres. The height is less than 4 metres to the highest part. The building is not within 2 metres of the boundary as shown on the plans prepared by R A Fisk & Associate.
(f) the height of the eaves of the building would exceed 2.5 metres;	The eaves do not exceed 2.5metres as shown on the plans prepared by R A Fisk & Associate
(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;	The property is not a listed building.
(h) it would include the construction or provision of a veranda, balcony or raised platform;	It would not include a raised platform, balcony or veranda.
(i) it relates to a dwelling or a microwave antenna; or	It does not relate to a dwelling or microwave antenna
(j) the capacity of the container would exceed 3,500 litres.	It does not relate to a container.
E.2 In the case of any land within the curtilage of the dwellinghouse which is within— (a) a World Heritage Site, (b) a National Park, (c) an area of outstanding natural beauty, or (d) the Broads, 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	The site is not within a World Heritage Site, Not within a National Park, not within an AONB and not within the Broads.

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 site is not within Article 2(3) land.
	The proposal complies with the criteria listed under E.1 E.2 and E.3 of the GPDO

The dimensions and siting of the building meet the stated criteria. The other matter to consider under this Class is set out in sections E.(a) and E.4 of the Order. Class E.4 states: “E.4 For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for **the domestic needs or personal enjoyment of the occupants of the dwellinghouse.**”

A judgment has to be made regarding whether in these circumstances the development is required for purposes which are incidental to the enjoyment of the dwellinghouse.

The proposed outbuilding is for a garden room and home gym; uses that are incidental to the enjoyment of the dwelling house. Leisure activities are commonly considered to be purposes incidental to the enjoyment of a dwellinghouse. The proposal would be for the personal enjoyment of the residents.

The Planning Act, (Section 57) states that development requires planning permission. Section 58, inter alia, allows for the grant of planning permission through an application (S58(1)(b)) or more pertinently to this situation by a “development order” (S58(1)(a)). Section 59 provides for the Secretary of State to grant planning permission through a development order. The development proposed is granted planning permission under Class A and E, Part 1 of Schedule 2 of the Order. The development proposed does not require express planning permission – it has already been granted by the clear intent and wish of Parliament.

The applicant has applied for a certificate of lawful development and wishes the LPA to issue that Certificate.

Prepared for Charlie Vincent by Simon Plowman MA MRTPI on behalf of Plan:8 Town Planning Ltd

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