

DELEGATED DECISION REPORT

HPK/2023/0512
Valid 27/11/2023

QUARRY BANK LANEHEAD
ROAD, TAXAL

APPLICATION FOR A LAWFUL
DEVELOPMENT CERTIFICATE
FOR A PROPOSED
CONSTRUCTION OF SINGLE
STOREY ORANGERY, UTILITY/
BOOT ROOM AND STORE
AND SINGLE STOREY
OUTBUILDING TO HOUSE
HOME OFFICE AND GYM

(CERTIFICATE OF
LAWFULNESS - PROPOSED)

MAIN ISSUES

- Whether the proposed development comprises permitted development under Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)

DESCRIPTION OF SITE

Quarry Bank is a three storey 3no. bedroom split level dwelling immediately north of Lanehead Road, Taxal. The house is constructed from a natural stone with tiled roof, with a simple and robust form, with relatively plain elevations, minimal detailing and windows recessed into the walls.

The main part of the dwelling is elevated some 3m above ground level, which amplifies the prominence of the dwelling from the public highway. A two storey outrigger which may or may not form part of the original dwelling stands to the rear. A single storey structure serving a Utility Room is present off the western elevation, with a modest single storey structure at lower ground floor level serving as storage space.

The site is also within the immediate setting of the Peak District National Park on the opposite side of the public highway and thus increases the sensitivity of the immediate and wider rural landscape setting.

PROPOSAL

The application seeks a Lawful Development Certificate for two proposed single storey outbuildings.

Building 1 (Orangery)

The proposed outbuilding is an L shape and it measures 9.3m wide (northern elevation), 3.5m (narrowest – western elevation) 6.8m deep (widest- eastern elevation). The proposed roof would be flat and 2.5m high.

The outbuilding would be constructed just 250mm from the rear of the dwelling house, in the position where the two storey rear extension was proposed (HPK/2022/0439).

Building 2 (gym/ home office)

The proposed outbuilding is rectangular and measures 8.7m wide and 6.2m deep. The proposed roof is pitched 4m to the ridge and 2.4m to eaves.

The outbuilding would positioned marginally behind the front building line (principal elevation) of the main dwelling house and 5m from its western boundary.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2021/0373 – Two storey side extension, single storey side extension and single storey rear extension – Refused 01/10/21 & Dismissed at appeal 17/03/22

HPK/2022/0439 – Two storey rear and side extension with a single storey lean-to to form extended living accommodation – Approved 16/01/23

CONSULTATIONS

Public Comments

None

Town / Parish Comments

The Council queries why an additional application is required after a 2-side extension was granted in a previous application.

OFFICER COMMENTS

The first test when considering whether proposals are “permitted development” is to assess what the development proposals comprise and whether the works are “development”.

Section 55 of the Town and Country Planning Act 1990 “development” is defined as: ““development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.”

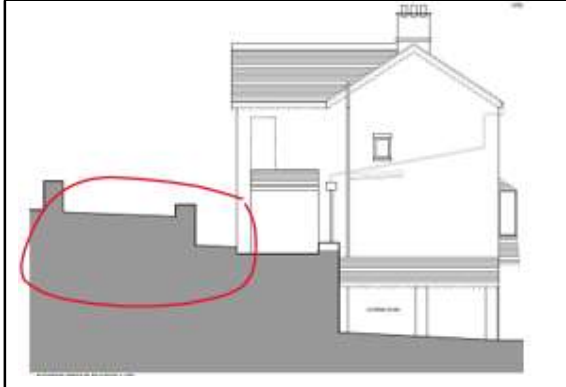
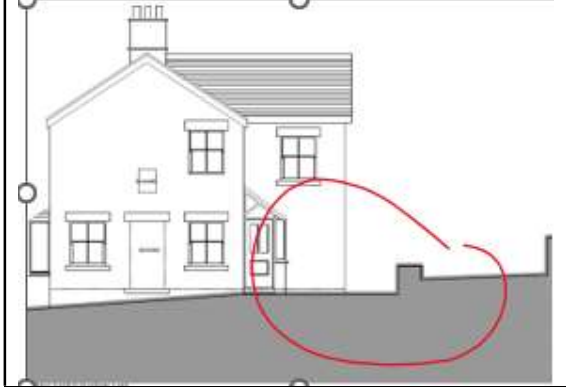
The second test is to assess if it is development, then is it “Permitted Development” which is development that is allowed by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

This application seeks to confirmation that the two proposed outbuildings are permitted development under Schedule 2, Part 1, Class E of the GPDO.

An assessment has been made of the proposed outbuildings and whilst the proposals meet some of the provisions of class E.1 such as size and height criteria, it is apparent in order to construct the outbuildings it will necessitate extensive groundwork. These groundworks would constitute an engineering operation which is defined as development under S55 of the TCPA. The GPDO accepts that a limited amount of excavation will be required to implement permitted development such as class E outbuildings but in this case the extent of the excavation works are extensive as they will involve significant alteration of land levels as the existing land is not flat and substantial levelling of land is required. The construction of retaining walls will also be required. The levelling and retaining works can and will be undertaken independently of the proposed outbuildings in that the buildings themselves will not form part of the retaining structures and the levelled or terraced area will extend beyond the footprint of the buildings. It is considered that these engineering works are a separate development operation and none of this work is provided for in the GPDO.

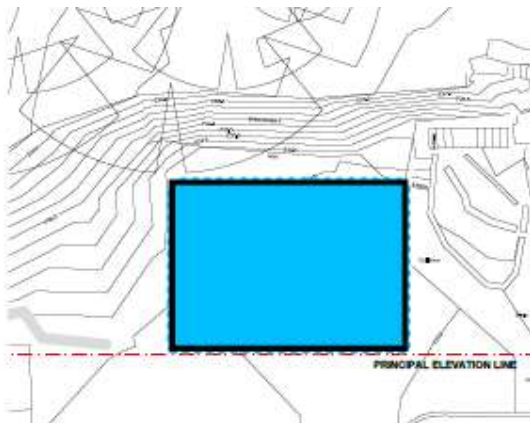
As such the proposed outbuildings cannot be permitted development under class E as the existing ground levels of the site will be significantly altered.

With reference to the Orangery (Building 1) it is apparent by comparing the existing and proposed plans that significant excavation work will be required.

Existing West Elevation	Proposed West Elevation
	
Existing East Elevation	Proposed West Elevation
	
Existing South Elevation	Proposed South Elevation



The applicant has not provided a topographical survey to ascertain whether building 2 (gym/home office) is level and whether significant land level is required (i.e. engineering operations). The contour lines around the building would appear to indicate that land is not flat and significant engineering works will need to take place to support the structure.



The comments from the Town Council are noted but this application relates to GPDO and whether the proposals constitute permitted development. The applicant still has the opportunity to implement planning permission HPK/2022/0439 which does not expire until January 2026.

CONCLUSION / PLANNING BALANCE

For the reasons outlined above, the proposed two outbuildings require extensive ground works which constitute engineering operations in their own right and therefore the proposals cannot be considered permitted development under Town and Country

Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 1, Class E. Accordingly, planning permission is required for the proposals.

OFFICER RECOMMENDATION : Refuse Certificate

Case Officer: Rosie Dinnen

Recommendation Date: 25.06.24

X *B.S. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council