2021/1566

Mr & Mrs Peter & Carol Agnew

Lawful development certificate for proposed demolition of 2no. sheds and 1no,. greenhouse and erection of double tandem garage and utility space

Carol Dene, Ash Mount, Shafton, Barnsley, S72 8NU

Description

The application relates to a detached dwelling located on Ash Mount, Shafton. The property is set within a large plot with substantial garden area to the rear of the property. The dwelling has an existing domestic sheds and greenhouse within the garden area. Permitted development rights have not been removed at the property.











Proposed Development

The application is for a certificate of lawfulness for the demolition of existing sheds and greenhouse and the erection of a single-storey double garage and utility space within the garden area at Carol Dene, Shafton, under Section 192 of the Town and Country Planning Act 1990. Section 192 (1) provides that if any person wishes to ascertain whether any operations proposed to be carried out in, on, over or under land, would be lawful, may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question. Section 192(4) then provides that if, on an application under

this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case shall refuse the application.

The applicant has submitted the following plans in support of the LDC application:

PCE-JMA-ZZ-00-DR-A-(10)002D
PCE-JMA-ZZ-00-DR-A-(10)001C
PCE-JMA-ZZ-00-DR-A-(01)002C
PCE-JMA-ZZ-00-DR-A-(01)099A
PCE-JMA-ZZ-00-DR-A-(10)102B
PCE-JMA-ZZ-00-DR-A-(10)102C
PCE-JMA-ZZ-00-DR-A-(01)001C
PCE-JMA-ZZ-00-DR-A-(01)010B

On the submitted plans, the building will be single storey, of traditional construction measuring no higher than 2.050m to eaves. The building is set to the side of the dwelling, back from the principal extension. The building does not exceed 50% of the curtilage of the dwelling. The proposed building is therefore in line with the conditions set out in Paragraph E.1 of Class E of Schedule 2, Part 1 of the GPDO.

Planning Context

The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) states that This provides permitted development rights within the curtilage of a house for: (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

Development is not permitted if:

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

b. as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

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

d. the building would have more than a single storey

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

f. the height of the eaves of the building would exceed 2.5 metres

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

i. it relates to a dwelling or a microwave antenna

j. the capacity of the container would exceed 3,500 litres.

Consultations

Legal Officer – No comments received

Assessment

Class E permits buildings within the curtilage of a house where criteria are met. The dwelling is a detached dwelling, and as such, permitted development rights allow homeowners to erect a single-storey building as long as it does not exceed 2.5m in height and does not come forwards of the principal elevation of the dwelling. Having checked these specifications, as well as other supplementary specifications of the plans within Class E of the GPDO, the garage and utility room would comply with this legislation and it would meet permitted development rights and therefore the lawful development certificate should be granted.

Recommendation

Approved subject to condition