
2022/0035

Mr Hobbs

Lawful development certificate for proposed single storey domestic outbuilding

Blenheim House, 267 Sackup Lane, Darton, Barnsley, S75 5AX.

Description

The application relates to a detached dwelling located on Sackup Lane, Darton. The property is set within a large plot with substantial garden area to the rear of the property. The dwelling has an existing single storey garage to the side elevation and car port. Permitted development rights have not been removed at the property.



Proposed Development

The application is for a certificate of lawfulness for the erection of a single storey outbuilding to be used as a garden room and store within the garden area at Blenheim House, 267 Sack Up Lane Darton, 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:

GDPO Assessment Class E
Location Plan

On the submitted information the building will be single storey, of traditional construction measuring no higher than 2.5m to eaves. The building is set to the side/rear 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 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 – Based on the supporting statement it appears this LDC application satisfies all the criteria in Para E1 of class E

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 single storey building to be used as a garden room and store would comply with this legislation and it would meet permitted development rights and therefore the lawful development certificate should be granted.

Recommendation

Approved