



**SUPPORTING STATEMENT**

**CERTIFICATE OF PROPOSED LAWFUL DEVELOPMENT - ERECTION OF A DETACHED  
OUTBUILDING**

**GRANSDEN HOUSE, CHURCH STREET, ROYSTON, BARNSELEY, S71 4QZ**



## 1. INTRODUCTION

### 1.1

The statement sets out the evidence to support a certificate of existing lawful development for the erection of a detached outbuilding at Gransden House, Royston, Barnsley, S71 4QZ.

### 1.2

This application follows a recent appeal decision at the site (ref APP/R4408/X/20/3263972). In that case the appeal was dismissed on the grounds that the the proposal could not “...*properly be regarded as being reasonably required for purposes incidental to the dwellinghouse as such or sensibly related to the enjoyment of that dwellinghouse.*” The scheme has been amended to address this concern.

### 1.3

The application has been submitted as an “*existing*” lawful development rather than “*proposed*” as footings have been dug.

## 2. THE SITE

### 2.1

The appeal site is a semi-detached, two storey dwelling situated off Church Street, Royston. The property is accessed via a lengthy driveway and benefits from a detached garage to side. The property has been extended with a conservatory to the rear.

### 2.2

The dwelling stands within its own large plot and benefits from a large garden area to side/ rear.

### 2.3

To the south of the site is the Grade I Listed St John's Church. However, there is an intervening rear garden area between the site and the church.

## 2.4

The surrounding area contains a range of other uses including residential, educational and commercial.

## 3. THE PROPOSAL

### 3.1

The certificate application relates to a proposed development, in accordance with section 192 of the Town and Country Planning Act 1991 (as amended).

### 3.2

The proposal aims to establish whether the proposed detached outbuilding constitutes permitted development as defined by Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

### 3.3

Full design details of the scheme can be found in the submitted plans. However, at this stage the main details of the proposal are as follows:

- Detached outbuilding to be used as a gym (with washroom) and storage.
- The building would be wholly used for purposes incidental to the enjoyment of the main dwellinghouse and would not contain any ancillary living accommodation.
- Building to be entirely single storey in nature and to feature a pitched roofed design.
- No part of the building to be attached to the main dwelling.
- No part of the building to be positioned forward of the principal elevation of the building.

#### 4. PERMITTED DEVELOPMENT CRITERIA AND COMPLIANCE

##### 4.1

When preparing the scheme details reference has been made to Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Reference has also been made to the “Permitted development rights for householders- Technical Guidance” issued by the MHCLG in 2019.

##### 4.2

Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 states that the provision within the curtilage of the dwellinghouse of –

*“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;” constitutes permitted development unless;*

The proposed development is wholly incidental to the enjoyment of the dwellinghouse. It is accepted that in the recent appeal decision at the site the Inspector concluded this was not the case. Paragraphs 9 to 16 of the appeal decision are of most relevance:

*“In this case, the detached outbuilding is divided into four distinct rooms. The largest of these rooms is annotated on the submitted plans (Drawing No: DWG- 001 Rev C) as being part gym area and part sitting area. I accept entirely that, in principle, a gymnasium could be regarded as being incidental to the enjoyment of the dwellinghouse as such. However, I am not persuaded that the same can be said of the sitting area.*

*The Courts have held that the test in this respect is one of fact and degree. The sitting area within the detached outbuilding would, to adopt the language of Macleod QC in Peche D’Or Investments, not be expected to be regarded as being incidental to the enjoyment of a dwelling house as such because it is generally an integral part of the ordinary residential use as a dwelling house.*

*As part of my site visit, I was able to view the ground floor accommodation within the host property. I noted that this accommodation included, amongst other facilities, a well-appointed living/dining room, including a sofa and a separate armchair. There is also a conservatory within which is a further sitting area containing more sofas.*

*It follows that the sitting area with the detached outbuilding would duplicate facilities already provided by the host property. Furthermore, the detached outbuilding is located in relatively close proximity to that host property. For these reasons, I consider that as a matter of fact and degree the sitting area shown on Drawing No: DWG-001 Rev C cannot be regarded as being incidental to the enjoyment of the dwellinghouse as such.*

*I have carefully considered whether the sitting area within the detached outbuilding should more properly be regarded as being directly associated with the use of the adjoining gym area rather than sitting area in its own right. However, they are annotated on Drawing No: DWG-001 Rev C as being separate areas which to my mind connotes different purposes. I have therefore treated them as such.*

*I am satisfied that the wetroom shown on Drawing No: DWG-001 Rev C can, as a matter of fact and degree, be regarded as being reasonably required for use in connection with the gymnasium. I also have no concerns regarding the storage area.*

*“The fourth room is annotated on Drawing No: DWG-001 Rev C as being a workroom/studio. I equate this to a study which, in Peche D’Or Investments, was held could normally be regarded being an integral part of a dwellinghouse. I noted during my site visit that there was not a dedicated study in the host property. However, it seems to me that there is sufficient space within the host property for the appellant to provide a study area, of a size commensurate with a private dwelling, should he wish to do so. Consequently, I consider that as a matter of fact and degree the workroom/studio shown on Drawing No: DWG-001 Rev C also cannot be regarded as being incidental to the enjoyment of the dwellinghouse as such.*

*Furthermore, even if the workroom/studio could be regarded as being incidental to the enjoyment of the dwellinghouse as such in terms of its intended use, I have concerns over the size of that space. It is settled case law that the size of the building is not, in itself, determinative of whether a development falls within the provision of Class E3. However, the workroom/studio shown on Drawing No: DWG-001 Rev C is annotated as having a floor area just under 18m<sup>2</sup>. In my view, that is a generous size for a*

*study/workroom/studio in the context of a private dwelling. No justification has been provided as to why a study/workroom/studio of that size is required. In the absence of that justification, and as a matter of fact and degree, I do not consider that the floor area of the study/workroom/studio as shown on Drawing No: DWG-001 Rev C can properly be regarded as being reasonably required for purposes incidental to the dwellinghouse as such or sensibly related to the enjoyment of that dwellinghouse.”*

The proposal has subsequently been amended in the following ways:

- The overall footprint of the building has been reduced by approximately 12sqm (15%);
- The sitting room has been removed from the proposal entirely;
- The home office/ workshop has been removed from the proposal entirely;
- The proposal now only allows for a home gym (with wet room) and storage areas;
- The existing double garage will be used solely for the parking of vehicles while the proposed storage space (approx 25sqm in total) is entirely proportionate in the context of a large dwelling of this nature.

It is therefore considered abundantly clear that the current proposal fully addresses the concerns raised by the Inspector in the recent appeal decision. The proposed building would be entirely incidental to the enjoyment of the main dwellinghouse.

#### 4.3

*(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);*

The appeal site has not been granted permission by means of the above. The host property is a purpose built dwelling that has been in situ for an extended period.

#### 4.4

*(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 appeal site benefits from a large residential curtilage. Whilst there are existing extensions at the site, the combined area covered by these, including that of the proposed outbuilding, would not exceed 50% of the curtilage area (excluding the ground area of the original dwellinghouse).

4.5

*(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;*

The proposed building would not be positioned in front of the principal elevation of the host dwelling.

4.6

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

The proposed building is entirely single storey in nature.

4.7

*(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 proposal would be located a minimum of 2m from any boundary. The proposed detached garage would feature a dual-pitched roof, and no part of the structure would exceed 4m in height.

4.8

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

The proposed eaves height would not exceed 2.5m from the highest land adjacent to the building.

4.9

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

The proposed building is not within the curtilage of a listed building. This has been established via the recent appeal decision and is no longer in dispute.

4.10

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

No verandah, balcony or raised platform is proposed as part of the scheme.

4.11

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

This proposal would not relate to a dwelling or a microwave antenna.

4.12

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

This proposal does not relate to a container.

4.13

*E.2 In the case of any land within the curtilage of the dwellinghouse which is within—*

*a)an area of outstanding natural beauty;*

*b)the Broads;*

*c)a National Park; or*

*d)a World Heritage Site,*

*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 metres.*

The proposed would not be located in any of the above areas.

4.14

*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 proposal would not be located within the curtilage of the dwellinghouse which is in article 2(3) land.

4.15

*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*

This is of no relevance to the current proposal.

## 5.0 CONCLUSION

### 5.1

For the reasons set out above it is clear that the proposal constitutes permitted development under the provisions of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

### 5.2

The Appellant has responded positively to the recent appeal decision at the site and has fully addressed all previous concerns.

### 5.3

In light of the above the LPA are respectfully invited to issue a certificate of lawfulness for the development.

**James Roberts (BA, MSc, MRTPI)**

**JR Planning**