

first habitable room would be a combined living, dining, and kitchen area. The second habitable room would be used as a bedroom.

Externally the annexe would be constructed coursed stone and a pitched roof featuring grey tiles. Two roof lights, a single external door and a patio door would complete the design, which would broadly be in keeping with the design of the main dwelling. The height of the annexe would be 4m, with an eave's height of 2.66m.

The location of the proposed annexe would be beyond the principle front elevation of the dwelling and has a proposed location within 2m of two separate curtilage boundaries. In addition to the annexe, additional hardstanding would be created within the curtilage. Although no measurements were provided within the application, from 'Drawing No. 2 Plan as proposed', it was measured that an additional 21 sqm of hardstanding would be created. It was confirmed by the agent that the hardstanding area would meet any requirements in relation to drainage and retaining of any additional surface water on site.

Exact usage of the site was confirmed by both the agent and the applicant as self-contained living accommodation for an elderly parent of an applicant. However, it was additionally confirmed that both the proposed annexe and its resident would remain dependent upon both the main dwelling and the applicants, who would remain as residents of the principle dwellinghouse.

Local Plan Designation: Land for housing

Conservation Area: No

Relevant History: None

A comprehensive review of the application was carried out to confirm if the proposal would be eligible under Class E, Part 1, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) and consequently be eligible for the issue of a Lawful Development Certificate (LDC) under Town and Country Planning Act 1990; Part VII; Certificate of lawful use or development (as amended).

Due to failing to comply with the requirements of paragraphs E(a); E.1(c); E.1(e)(ii) and E.4 of GPDO, as outlined below, the proposed development would not meet the criteria required for a LDC to be issued in this instance.

The Town and Country Planning (General Permitted Development) (England) Order 2015
UK Statutory Instruments 2015 No. 596 SCHEDULE 2 PART 1 Class E – buildings

- E. The provision within the curtilage of the dwellinghouse of—
- (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 not permitted

E.1

- (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;
- (e) the height of the building, enclosure or container would exceed—
 - (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

Interpretation of Class E

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.

The extract below from 'Permitted development rights for householders: technical guidance' expands upon what is permissible under Class E. The full guidance is available at: <https://www.gov.uk/government/publications/permited-development-rights-for-householders-technical-guidance>

Class E sets out the rules on permitted development for buildings etc within the curtilage of a house (see page 7). Buildings which are attached to the house are not permitted under Class E (they would be subject to the rules in Class A). Buildings under Class E should be built for purposes incidental to the enjoyment of the house. Paragraph E.4 of Class E indicates that purposes incidental to the enjoyment of the house includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the house. But the rules also allow, subject to the conditions and limitations below, a large range of other buildings on land surrounding a house. Examples could include common buildings such as garden sheds, other storage buildings, garages, and garden decking as long as they can be properly be described as having a purpose incidental to the enjoyment of the house. A purpose incidental to a house would not, however, cover normal residential uses, such as separate self-contained accommodation or the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen.

Recommendation: Refusal