**HUNTINGDONSHIRE DISTRICT COUNCIL**

**25/00208/CLPD**

**OFFICER REPORT**

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**Case No:** **25/00208/CLPD** **Certificate of Lawfulness proposed**

**Proposal:** **Certificate of lawfulness for an outbuilding in garden under PD rights**

**Location:** **Kasauli Brampton Road Buckden**

**Applicant:** **Mr A Normanton**

**Grid Ref:** **520165 268887**

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## DESCRIPTION OF SITE AND APPLICATION

The application site at Kasauli is occupied by a detached dwellinghouse located on Brampton Road, adjacent to the A14, and to the north of the village of Buckden. The site is not considered to be on land or well related to a built-up area and thus is falls within the countryside.

A Certificate of Lawful (Proposed) Development is sought for works relating to an outbuilding in the rear garden.

Officers have reviewed the planning history for the site and can find no evidence that Permitted Development Rights have been removed, nor are there any Article 4 directions in place.

During the lifetime of the application, revised plans have been received which correctly reflect the height measurements from ground level. Given the neutral impact, on the balance of fairness further consultation on this matter was not considered to be necessary.

In order for the proposed development to be considered, the criteria outlined in Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) must be met and this is assessed below.

## NATIONAL GUIDANCE

The Town and Country Planning Act 1990

The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended)

## RELEVANT PLANNING HISTORY

None relevant.

## CONSULTATIONS

No consultations - Certificate of lawful permitted development

## REPRESENTATIONS

None

## SUMMARY OF ISSUES

The proposed outbuilding must be assessed against The Town and Country Planning (General Permitted Development) (England) Order 2015, to determine whether the development is 'permitted development' or would require an application to be submitted for planning permission. Class E, Part 1, Schedule 2 of Town and Country Planning (General Permitted Development) (England) Order 2015 permits buildings etc incidental to the enjoyment of a dwellinghouse subject to certain criteria set out within the order. The criteria are set out and assessed below:

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

Officer comment: Compliant

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);

Officer comment: Compliant

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;

Officer comment: Compliant

d) The building would have more than a single storey;

Officer comment: Compliant

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;

Officer comment: Compliant

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

Officer comment: Compliant

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

Officer comment: Compliant

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

Officer comment: Compliant - the proposal does not include a verandah, balcony or raised platform

i) It relates to a dwelling or a microwave antenna;

Officer comment: Compliant - the proposal does not relate to an antenna.

j) The capacity of the container would exceed 3,500 litres

Officer comment: Compliant - the proposal does not include a container.

k) The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

Officer comment: Compliant - the dwellinghouse is not built under Part 20 of this Schedule.

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.

Officer comment: Compliant

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.

Officer comment: Compliant - the proposal is not located on article 2(3) land

Notwithstanding the above, Class E requires that any building erected under that Class is for a purpose "incidental" to the enjoyment of the dwellinghouse.

The Town and Country Planning (General Permitted Development) (England) Order 2015 states that "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."

Officer comment: The submitted proposed outbuilding plans (reference 1180-020 Rev A) shows that the outbuilding would be used as a gym and garden room, which in this case would be considered as incidental to the enjoyment of the dwellinghouse as the personal enjoyment of the occupants of the dwellinghouse.

**CONCLUSION**

The proposed outbuilding set out on plans referenced "1180-20 Rev A" and "1180-21 Rev A" accords with the criteria and conditions set out in Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The development is considered to be permitted development and is granted planning permission by virtue of Article 3 of this Order. An application for planning permission is not required.

If you would like a translation of this document, a large text version or an audio version, please contact us on 01480 3883424 and we will try to accommodate your needs.

**CONTACT OFFICER:**
Enquiries about this report to **Josh France**