

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CC	26.09.2022
Planning Development Manager authorisation:	AN	27/9/22
Admin checks / despatch completed	ER	29.09.2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	29.09.2022

Application: 22/01355/LUPROP **Town / Parish:** Weeley Parish Council

Applicant: Mr Osborne

Address: 14 St Andrews Close Weeley Clacton On Sea

Development: Proposed construction of summerhouse.

1. Town / Parish Council

Weeley Parish Council No Comment

2. Consultation Responses

Not Applicable

3. Planning History

14/00099/FUL	Erection of 16 houses including garages, access road, public open space and landscaping.	Withdrawn	24.04.2014
15/01750/FUL	Proposed residential development comprising 14 houses, garages, access, public open space and landscaping.	Approved	20.07.2017
17/01848/NMA	Non-material amendment of application 15/01750/FUL - Minor site layout changes & to improve fenestration.	Approved	
17/02050/DISCON	Discharge of conditions - (04) Estate Roads, (10) Construction Method Statement, (14) Ecology, (15) Surface Water Drainage, (16) Off Site Flooding, (17) Maintenance Plan, (20) Landscaping - of Planning Application 15/01750/FUL.	Approved	02.05.2018
17/02154/DISCON	Discharge of condition 22 (lighting, refuse, & materials) of 15/01750/FUL.	Approved	23.01.2018

17/02163/FUL	Variation of Condition 2 of 15/01750/FUL to improve layout and house type elevations. 1299/P2/100 - UNCHANGED, DWG NO 1299/P2/101B REPLACED BY 5241-10-02-C, DWG NO 1299/P2/102D REPLACED BY 056-2016-11-P1, DWG NO 1299/P2/103B REPLACED BY 5241-10-02-C, DWG NO 1299/P2/104B REPLACED BY 5241-MATERIALS SCHEDULE, DWG NO 1299/P2/105B REPLACED BY 5241-10-03, DWG NO 1299/P2/106 REPLACED BY 5241-PA-20-01A, DWG NO 1299/P2/107 REPLACED BY 5241-PA-20-01A, DWG NO 1299/P2/108 REPLACED BY 5241-PA-20-02A, DWG NO 1299/P2/109 REPLACED BY 5241-PA-20-03A, DWG NO 1299/P2/110 REPLACED BY 5241-PA-20-04A, DWG NO 1299/P2/111 REPLACED BY 5241-20-06A, DWG NO 1299/P2/112B REPLACED BY 5241-30-06A, DWG NO 056/2016/01P1 REPLACED BY 056-2016-11-P1	Approved	15.01.2019
18/00300/DISCON	Discharge of condition 24 (local recruitment strategy) to approved planning application 15/01750/FUL.	Approved	12.03.2018
22/01355/LUPRO P	Proposed construction of summerhouse.	Current	

4. **Relevant Policies / Government Guidance**

Not Applicable

Status of the Local Plan

Planning law requires that decisions on applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework (the Framework). The 'development plan' for Tendring comprises, in part, Sections 1 and 2 of the Tendring District Council 2013-33 and Beyond Local Plan (adopted January 2021 and January 2022, respectively), together with any neighbourhood plans that have been brought into force.

5. **Officer Appraisal (including Site Description and Proposal)**

Description of Proposal

This application seeks a Lawful Development Certificate for a proposed development, in this case a summer house.

A Lawful Use Certificate is 'a certificate issued by a Local Planning Authority, on application, stating that an existing (LDC 191) or proposed use (LDC 192), or other forms of development, can be considered as lawful for planning purposes'

The plans submitted with the application show the summer house.

Assessment

Main considerations are;

- Planning History
- General Permitted Development Order

Planning History

There is no planning history for the property restricting permitted development rights: therefore, these rights for the property still exist.

General Permitted Development Order

This application seeks a Lawful Development Certificate for a proposed development, relating to a summer house. The aim of this application is to establish whether or not this development would require planning permission. The Certificate issued would state that the development is lawful and not at risk to being subject to enforcement action.

To establish whether the proposed development is permitted development reference needs to be made to the Town and Country Planning (General Permitted Development) (England) Order 2015.

Class 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.

- (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);
Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class M, N, P or Q of part 3 of this Schedule. **The Proposal Complies.**

- (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 total area of ground covered by buildings, enclosures and containers within the curtilage does not exceed 50% of the total area. **The Proposal Complies.**

- (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 summerhouse is to the rear of the site. **The Proposal Complies.**

- (d) the building would have more than one storey;

The summerhouse is single storey. **The proposal complies.**

- (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 summerhouse is within 2 metres of the boundary and measures 2.47 metres high. **The Proposal Complies.**

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

The height of the eaves do not exceed 2.5 metres. **The Proposal Complies.**

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

The summerhouse is not situated within the curtilage of a listed building. **The Proposal Complies.**

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

The proposal does not include the construction or provision of a veranda, balcony or raised platform. **The proposal Complies.**

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

not applicable.

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

Not applicable

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

- (a) a World Heritage Site,
 - (b) a National Park,
 - (c) an area of outstanding natural beauty,
- Or
- (d) the Broads.

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.

not applicable – The proposal complies

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 dwelling house and the boundary of the curtilage of the dwellinghouse.

Not Applicable – The Proposal complies.

The proposed summerhouse is therefore compliant with the above mentioned Order and is classed as Permitted development

6. Recommendation

Lawful Use Certificate Granted

7. Conditions / Reasons for Refusal

- 1 The proposed development constitutes permitted development by virtue of the provisions of Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015.

8. Informatives

Not Applicable

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision? If so, please specify:	YES	NO