

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
Case Officer recommendation:	CC	16.11.2022
Planning Manager / Team Leader authorisation:	ML	17.11.2022
Planning Technician final checks and despatch:	ER	17/11/2022

Application: 22/01626/LUPROP **Town / Parish:** Great Bentley Parish Council

Applicant: Mr and Mrs R Brown

Address: White Lodge Weeley Road Great Bentley

Development: Proposed erection of a garden room in accordance with Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)

1. Town / Parish Council

Great Bentley Parish Council No comments

2. Consultation Responses

Not Applicable

3. Planning History

TPC/98/29	Repollard 8 Limes and 1 Chestnut	Current	01.05.1998
02/01946/TCA	Remove branch of Scotch Pine tree, overhanging into garden of The Anchorage	Approved	11.11.2002
06/00346/TCA	1 Horse Chestnut - Fell. 1 Pine Tree - Fell. 7 Lime Trees - Re Pollard back to previous points. 1 Lime - Fell.	Approved	04.04.2006
17/30284/PREAPP	Erection of one and a half storey extension to rear (following demolition of existing extensions and outbuildings), reinstatement of chimney and replacement of dormers.	Refused	11.12.2017
18/30035/PREAPP	Erection of one and a half storey extension to rear (following demolition of existing extensions and outbuildings), reinstatement of chimney and replacement of	Refused	23.04.2018

dormers.

18/00741/FUL	Proposed erection of 1.5 storey extension with 1.5 storey link to existing dwelling and erection of a single garage with cart lodge, following demolition of existing single storey extensions and outbuildings to rear of dwelling.	Approved	17.07.2018
18/00757/TCA	1 No. 12m Lime, 1 No. 6m Fig tree - fell	Approved	04.06.2018
18/01455/DISCON	Discharge of Conditions 3 (hard & soft landscaping) of 18/00741/FUL.	Approved	10.09.2018
19/01322/FUL	Variation of condition 2 (approved plans) to change the fenestration to french/bi-fold doors for application 18/00741/FUL.	Approved	30.10.2019
21/01305/FUL	Proposed change of use from office to holiday use.	Approved	02.12.2021
22/01626/LUPRO P	Proposed erection of a garden room in accordance with Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)	Current	

4. Relevant Policies / Government Guidance

Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)

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)

Application site

The application site serves a detached dwelling, benefiting from a large plot of land located towards the north of Weeley Road. The application site is located within the settlement development boundary of Great Bentley and also falls within the Great Bentley Conservation Area.

Description of Proposal

This application seeks the issuing of a Lawful Development Certificate for the proposed development of the erection of a garden room.

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'.

Main considerations are;

- Planning History;
- General Permitted Development Order
- Conclusion.

Planning History

No conditions have been found on any previous application relating to the site which restrict permitted development rights. The application site therefore benefits from permitted development rights.

General Permitted Development Order

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.

E.1 Development is not permitted as a result of the works if –

- (a) Permission to use the dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (Changes of use)

Not Applicable – 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 within the curtilage does not exceed 50% - 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 outbuilding will be located to the rear of the site – the proposal complies.

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

The outbuilding 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 outbuilding will have a flat roof design and is not within 2 metres from the boundary, the maximum height will be 3 metres – the proposal complies

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

The height of the eaves is 2.5 metres - the proposal complies

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

The outbuilding 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 – The proposal complies

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

Not Applicable – The proposal complies

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 to this site – 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.

The Site is located within the conservation area, however the outbuilding is located to the rear of the site, not between a wall forming the side elevation of the dwellinghouse and the site boundary. The proposal complies.

Conclusion

The proposed outbuilding is therefore consistent with the above mentioned Order and therefore a certificate of proposed lawful development can be issued.

6. Recommendation

Lawful Use Certificate Granted

7. Conditions

- 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