

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	CT	01/03/2023
Planning Development Manager authorisation:	AN	02/03/23
Admin checks / despatch completed	ER	03/03
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	03/03

Application: 23/00032/LUPROP **Town / Parish:** Ardleigh Parish Council

Applicant: Mr Carrie Day

Address: White House Jubilee Lane Ardleigh

Development: Proposed erection of outbuilding for additional storage.

1. Town / Parish Council

No comments required for this application type.

2. Consultation Responses

Not required.

3. Planning History

18/30240/PREAPP	Residential development comprising of 3No. dwellings and a new access.	Refused	09.01.2019
20/01012/FUL	Proposed new 4 bedroom dwelling to the land adjacent to White House.	Refused	04.12.2020
22/00809/FULHH	Proposed side and rear extension with an additional outbuilding.	Approved	31.08.2022
23/00032/LUPROP	Proposed erection of outbuilding for additional storage.	Current	
23/00077/NMA	Non-Material Amendment to application 22/00809/FULHH to change the front and rear roofs on the right-hand side from hip to gable and add glass windows at first floor to front and rear. Internally re-arrange the rooms to create additional office space, reduce the size of the plant store to form a gym and a separate games	Refused	14.02.2023

room.

23/00261/FULHH Resubmission of 22/00809/FULHH Current
for a proposed outbuilding.

4. Relevant Policies / Government Guidance

Not required.

5. Officer Appraisal

Site Description

The site lies on the west side of Jubilee Lane off the Bromley Road on its north side before it crosses the A133 and comprises for the purposes of the land edged in red a two storey dwelling with detached garage with an area immediately around one side and to the rear of the dwelling containing a lean-to, various building and other materials, a caravan and a storage container which are collectively enclosed and screened by security fencing and netting to wider open land beyond within the same ownership which is set to short grass upon which stands full sized football goal posts onto the site's western boundary.

The frontage of the site onto the lane contains a recently cleaned out ditch, whilst a hedge running parallel behind it has recently been trimmed back/removed leaving the site principally open to the road. A new/improved vehicular access which has been culverted exists at the site's north-west corner facilitating access into the site from the lane whereby a Heras style gate exists in the gap across this access point. A further culverted vehicular access into the site from the lane is in the course of being constructed closer to the dwelling to serve a large proposed ancillary outbuilding approved under application 22/00809/FULHH which includes a heavy plant and tool store.

Note: The application description states that the address of the property is Jubilee Cottages (situated opposite), although this has been corrected to White House for the purposes of registration/validation.

Description of Proposal

This lawful use application is for the proposed erection of an outbuilding for the stated purpose of additional storage for 'B8 - Storage or distribution' use.

The proposed outbuilding would have a width of 16m and depth of 7m (112sqm) and would have a height to the eaves of 2.5m and height to the ridge of 4m. The building would be externally clad in corrugated steel/cement cladding to specialist design and would have two roller shutter doors with service door to the front elevation, a single roller shutter door to the left hand side elevation and an additional service door and high level vents (galvanised metal grill) to the right hand side elevation.

It is stated that the outbuilding would be sited 2m away from the site boundary and that the land upon which the building will be sited is 'Land within a curtilage' (White House).

Scope of Legislation

A Lawful Use Certificate is, 'a certificate issued by a local planning authority on application stating that an existing use (LDC s191) or proposed use (LDC s192) or other forms of development can be considered as lawful for planning purposes'.

The main considerations are;

- Planning History;

- General Permitted Development Order
- Conclusion.

Planning History

As set out above.

General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class E

Class E – buildings etc incidental to the enjoyment of a dwellinghouse

Permitted development

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;

The proposal does NOT comply with this criteria as the Council considers that the land upon which the proposed outbuilding is to be sited is NOT within the curtilage of the dwellinghouse and is NOT required for a purpose incidental to the enjoyment of the dwellinghouse as such by reason of its design and intended use

or

(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

Development not permitted

E.1 Development is not permitted by Class E if—

(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 proposal complies with this requirement

(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (excluding the ground area of the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The proposal does NOT comply with this requirement as the Council considers that the land upon which the proposed outbuilding is to be sited is NOT within the curtilage of the dwellinghouse

(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 proposal complies with this requirement

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

The proposal complies with this requirement

(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,

The proposal complies with this requirement

(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,

The proposal complies with this requirement

or

(iii) 3 metres in any other case;

The proposal complies with this requirement

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

The proposal complies with this requirement

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

The proposal complies with this requirement

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

The proposal complies with this requirement

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

The proposal complies with this requirement

or

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

The proposal complies with this requirement

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.

Not applicable, although the Council considers that the land upon which the proposed outbuilding is to be sited is NOT within the curtilage of a dwellinghouse

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.

Not applicable, although the Council considers that the land upon which the proposed outbuilding is to be sited is NOT within the curtilage of a dwellinghouse

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.

Conclusion

It is concluded from the above assessment against the requirements of Class E that the proposed outbuilding is not permitted development under the GPDO and therefore a Certificate of Proposed Lawful Use or Development cannot be issued.

6. Recommendation

That a Lawful Use Certificate be NOT granted

7. Reasons for Refusal

- 1 The proposed development does not constitute permitted development under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 as the local planning authority considers that the land upon which the proposed outbuilding is to be sited is not within the curtilage of the dwellinghouse and is not required for a purpose incidental to the enjoyment of the dwellinghouse as such by reason of its design and intended use.

Informatives

None.

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