

**PLANIT CONSULTING**  
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9<sup>th</sup> November 2020

Head of Planning Services  
Woking Borough Council  
Civic Offices  
Gloucester Square  
Woking  
Surrey  
GU21 6YL

Dear Sir,

**NUTFIELD, HOLLYBANK ROAD, WEST BYFLEET, KT14 6JD**

**APPLICATION FOR A CERTIFICATE OF LAWFULNESS  
DEVELOPMENT OF AN OUTBUILDING – ALLOWED UNDER CLASS ‘E’ RIGHTS  
OF THE GENERAL PERMITTED DEVELOPMENT ORDER 2015**

I refer to the above addressed property, Nutfield, Hollybank Road, West Byfleet and confirm that I am acting on behalf of the property owners, Andrew and James Taylor.

Please find enclosed an application for a Certificate of Lawfulness for a proposed development in accordance with Section 192 of the Town and Country Planning Act 1990. The development involves the construction of an outbuilding at the above addressed property, allowable under Class E of the General Permitted Development Order 2015. The outbuilding will provide for a games room and home office/workshop as well as provide for storage of bike equipment. The use will be incidental to the use of the main dwelling.

In order for you to determine this application, submitted via the Planning Portal, the following documents are included within this application:

1. Application form
2. Location Plan scale 1:1250
3. Existing and Proposed Block Plan 1:500
4. Plans and Elevations at Proposed scale 1:100
5. An application fee of £106

## 1. INTRODUCTION

- 1.1. This application seeks to establish that the construction of an outbuilding at the property known as 'Nutfield' is 'Permitted Development' as defined by Schedule 2, Part 1, Class E, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).
- 1.2. Within this statement it will be explained why, for the purposes of GPDO, the construction of the outbuilding constitutes 'Permitted Development' for which planning permission is not required. Below we explain the application proposal, history of the property, and how the proposal is able to comply with the terms of the GPDO.

## 2. APPLICATION PROPERTY

- 2.1. Nutfield is a detached, two storey dwelling house and which sits in a large plot of 0.21 ha. Planning history reveals that permission was granted for a two storey extension in 197. A garage to the side of the house was permitted in 1998, other than that there have been no extensions to the dwelling.
- 2.2. The location of the dwelling within the plot is shown in the map extract below (marked with a red star). It can be seen a large garden lies to the north side of the dwelling.



*Location Plan from Surrey Mapping Service*

### 3. PROPOSAL

3.1. A Certificate of Lawfulness under Section 192 of the Town and Country Planning Act 1990, (for a proposed development), is sought for the erection of an outbuilding which is to be sited within the garden to the north of the dwelling house, beyond the rear elevation of the existing dwelling, but within the curtilage of the property.

3.2. The outbuilding would have a footprint of 8.0m in width and 12.0m in length and would have an overall height of 3.9 m when measured from the highest level of adjacent land and an eaves height not exceeding 2.5 m. measured from highest surrounding ground level.

#### 3.3. Relevant Planning History

3.4. The planning history relating to the existing property is tabulated below:

Planning reference	Proposal	Decision
TREE/2002/8060	Tree 1: Hornbeam – Crown reduction and thin crown by 30%. Tree II: Hornbeam – Crown reduction and thin crown by 50%. Works subject to Tree Preservation Order 626/36	Permitted 09.03.2002
PLAN/2001/0091	Erection of a pitched roof over utility area	Permission 01.03.2001
TREE/2000/8054	Crown reduce by 50% and crown thin by 15% two sycamore trees in rear garden. Subject to TPO 626/36	Permission 16.03.2000
PLAN/1997/1003	Erection of garage attached to the western side of the property	Permission 19.01.1998
TREE/1997/8215	Hornbeam crown thin by 20%, trim branches back overhanging Sun Cottage by 20%, and remove growth on 8 stems subject to Tree Preservation Order no. 626/36.	Permission 09.10.1997

TREE/1992/0692	Prune and lop one Hornbeam in front garden subject to Tree Preservation Order	Permission 03.09.1992
TREE/1989/0782	Fell one hornbeam in rear garden, subject to Tree Preservation Order no. 626/114	Refused 15.08.1989
TREE/1989/0611	Reduce one beech tree to height of hedge in front garden. Crown thin and shape three Prunus trees in front and rear gardens subject to Tree Preservation Order no 626/114	Permission 03.08.1989
DC 75/0762	Two storey extension	Permission

*table of planning history*

- 3.5. The Permitted Development Rights for Householders Technical Guidance (April 2017) defines “original” as a building as it existed on 1 July 1948 where it was built before that date, and as it was built if built after that date. Of the applications to the property, the dwelling on site has been the subject of only two planning applications over recent years, neither of which withdrew Permitted Development Rights.
- 3.6. It is therefore reasonable to assert that the dwelling house still holds permitted development rights for the erection of outbuildings under Class E.
- 3.7. Determining Issues
- 3.8. This application which is for a Lawful Development Certificate for proposed development is submitted to determine whether the proposed outbuilding requires planning permission. No assessment of the planning merits is involved, but merely a legal interpretation of the planning legislation and in particular the General Permitted Development Order 2015 (as amended).
- 3.9. The General Permitted Development Order 2015 (as amended) outlines the criteria for which certain forms of development can be allowed within domestic residential plots without the need for planning permission.

3.10. The proposed outbuilding seeks to meet a need for leisure facilities. The building will be required for '***purposes incidental to the enjoyment of the dwellinghouse***' as required by Class E of the GPDO 2015.

3.11. The building will be located more than 2m from the boundary of the property to the west and has been designed to accord with the requirements of the GPDO in terms of form and height. Furthermore, the building will be proportionate to both the scale of the main dwelling, as well as to the extent of the site. In this regard, the proposed development will be an acceptable scale for purposes incidental to the enjoyment of the dwelling house.

3.12. The proposed outbuilding will be located beyond the rear (north) elevation of the house. The proposed location of the building is indicated on the block plan below:



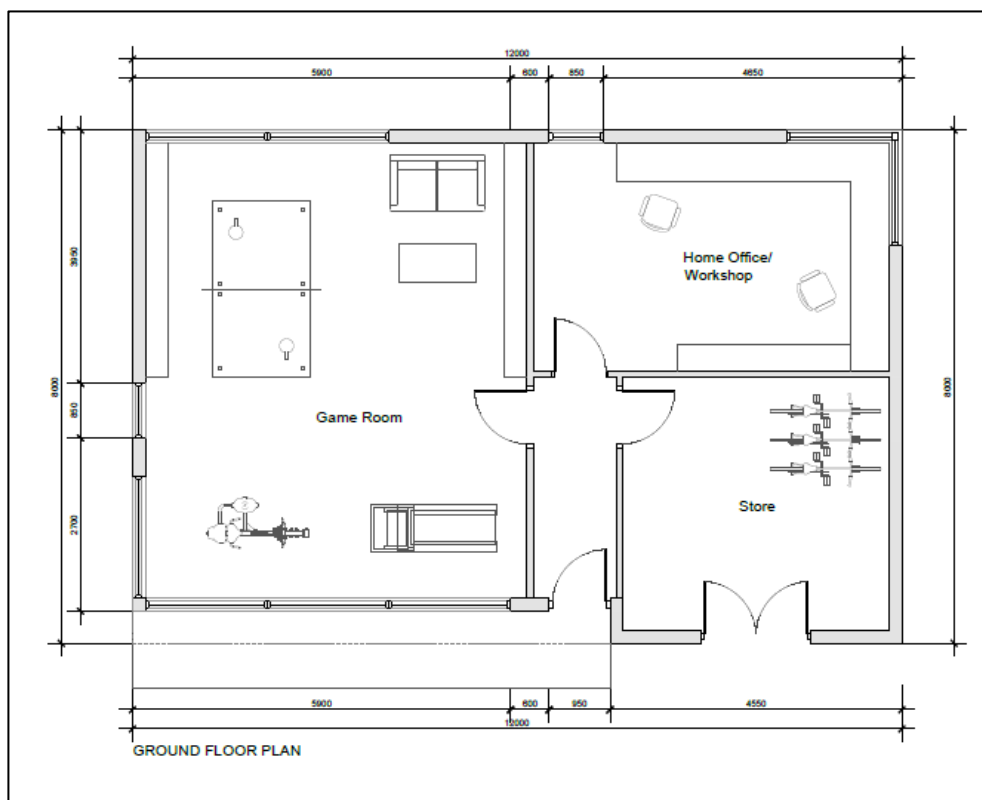
*block plan showing location of proposed outbuilding – north of garden*

### 3.13. Reasonably Required

3.14. The legislation of the GPDO states that outbuildings must be “*reasonably required*”, that is, that the size of the building should reasonably reflect the purpose for which it is intended.

3.15. The facilities which are proposed to be provided within the outbuilding – office space for home working, and a games room/ gym area with an equipment & bike store - are directly related to and associated with the working and recreational facilities reasonably required within a substantial family home such as the application property. A small WC is provided within the building.

3.16. The proposed layout is provided below:



*proposed layout of the outbuilding*

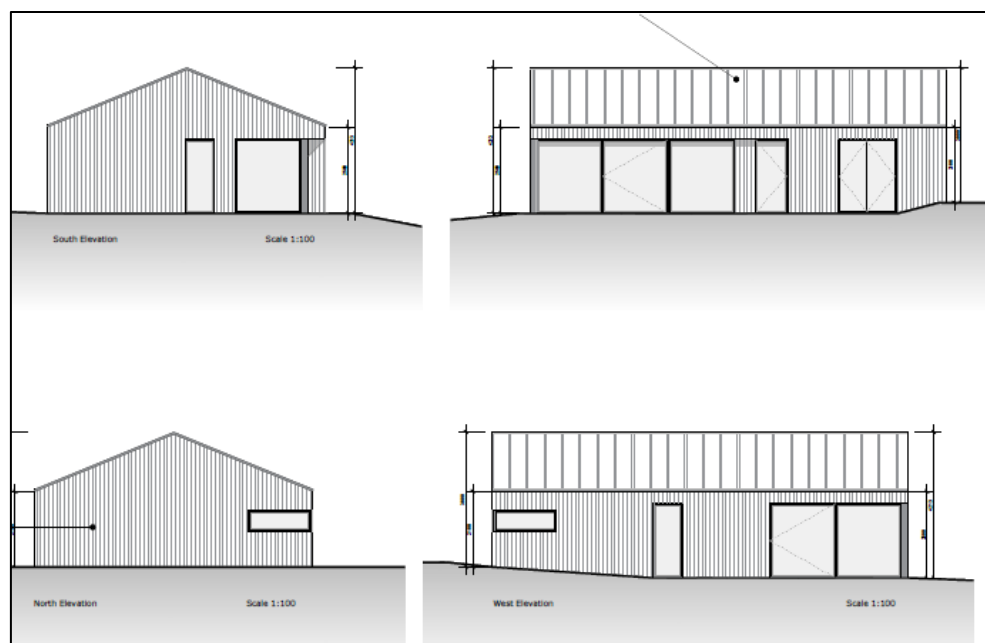
3.17. The proposed outbuilding will be wholly in accordance with the terms of the relevant Class E of the GPDO 2015. Compliance with the Order is explained in detail below.

3.18. The building will therefore be required for '***purposes incidental to the enjoyment of the dwellinghouse***' as required by Class E of the GPDO 2015.

3.19. The building is to be located more than 2m from the boundary of the property to the west and has been designed to accord with the requirements of the GPDO in terms of form and height. Furthermore, the building will be proportionate to both the scale of the main dwelling, as well as to the extent of the site. In this regard, the proposed development will be an acceptable scale for purposes incidental to the enjoyment of the dwelling house.

3.20. The building design is a contemporary revision of a barn, with timber cladding and a zinc roof. The outbuilding will thus combine traditional and contemporary architecture. The pitched roof and timber cladding reference vernacular buildings while the window openings, zinc roof and sleek finishes give the building a contemporary appearance. Sliding glazed doors on the east elevation will provide day light into the building which is appropriate to its intended use as a games room and gym.

3.21. The elevations of the proposed building are as shown below:



*Elevations of proposed outbuilding*

3.22. The proposed outbuilding will be wholly in accordance with the terms of the relevant Class E of the GPDO 2015. Compliance with the Order is explained in detail below.

#### **4. COMPLIANCE WITH CLASS E, Part 1, SCHEDULE 2 of the GPDO 2015**

- 4.1. This application seeks to establish that the construction of the outbuilding within the curtilage of the property addressed as Nutfield is a form of Permitted Development for which planning permission is not required. Class E of the Permitted Development Order 2015 sets out the rules on permitted development for outbuildings within the curtilage of a dwelling house.
- 4.2. In accordance with Class E (a), it is the case that the building is required for purposes incidental to the enjoyment of the dwelling house. The proposed uses are explained in Section 3 above and why it is considered that the proposed outbuilding should be considered incidental.
- 4.3. Class E1 states the terms that must be met in order for the development to be permitted. The proposal accords with these terms as follows:-
- 4.4. If the answer to any of the questions below is “Yes” then planning permission is required:

E.1 (a) Permission for the dwelling house has been granted by virtue of Class M, N, P, PA or Q of Part 3 of this schedule

**No**

E.1.(b) Would the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwelling house) exceed 50% of the total area of curtilage (excluding the ground area of the dwelling house);

**No.**

E.1 (c) Would any part of the building, enclosure, pool or container be situated on land forward of a wall forming the principal elevation of the original dwelling house?

**No. The principal elevations of the dwelling is the south elevation. The proposed outbuilding will be located behind the building line of the rear (north) of the dwelling house.**

E.1 (d) Would the buildings have more than one storey?

**No**

E.1 (e) Would the height of the building, enclosure or container exceed:-

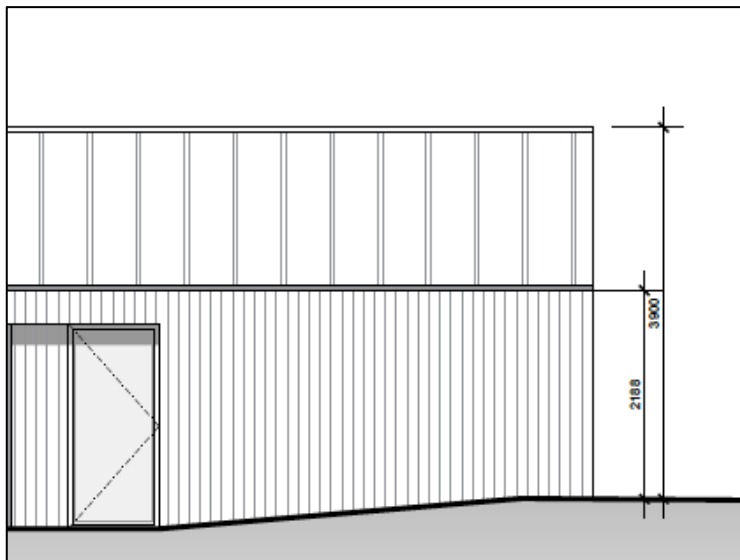
- (i) 4 m in the case of a building with a dual pitched roof
- (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary or the curtilage of the dwelling house
- (iii) 3 metres in any other case

**No. In accordance with the Technical Guidance, the height of the building, (enclosure or container) should be measured from the highest ground level immediately adjacent to the building, (enclosure, or container). The building is 5m from the boundary of the curtilage of the dwelling house and has a dual-pitched roof. When measured from the highest ground level immediately adjacent to the building, the building is 3.9m at its highest point.**

The building therefore complies with E.1 (e).

E.1 (f) Would the height of the eaves of the building exceed 2.5 m?

**No – the height of the eaves for the building is 2.5m measured from highest ground level (to the north of the building), as shown in drawing extract below.**



E.1 (g) Would the building, enclosure, pool or container be situated within the curtilage of a listed building?

**No**

E.1 (h) Would it include the construction or provision of a verandah, balcony or raised platform?

**No**

E.1. (i) Would it relate to a dwelling or a microwave antenna?

**No**

E.1 (j) Would the capacity of the container exceed 3,500 litres?

**Not applicable**

4.5. E2 states: In the case of any land within the curtilage of a dwelling house which is within-

- (a) a World Heritage Site
- (b) A National Park
- (c) An Area of Outstanding Natural Beauty, or
- (d) The Broads

Would the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 m from any wall of the dwelling house exceed 10 sq m?

**Not applicable.**

4.6. E3 states: In the case of land within the curtilage of the dwelling house that is within article 2(3) land, would any part of the building, enclosure, pool or container be situated on land between a wall forming the side elevation of the dwelling house and the boundary of the curtilage of the dwelling house?

**No. The proposed outbuilding would be located at the rear of the dwelling house.**

4.7. Other considerations: With the exception of development permitted by Classes A,B,D and E of Part 9 and Class A of Part 18 or the Order, it requires or involves the formation, laying out or material widening of a means of access to an existing highway which is a trunk road or classified road, or creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons.

**Not applicable**

## **SUMMARY**

In the light of the above analysis, the proposed development falls within the criteria of Class E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) and would be lawful. Accordingly, we seek confirmation of this through the issue of a Certificate of Lawful Development under Section 192 of the Town and Country Planning Act 1990.

Yours faithfully

**PLANIT CONSULTING**

**Janet Long MRTPI**