

**PROPOSED ERECTION OF AN OUTBUILDING WITHIN THE RESIDENTIAL
CURTILAGE OF A DWELLING KNOWN AS STYRONS ACRES, NEW HEY LANE,
NEWTON-WITH-SCALES.**

Evidence to verify the application:

1.0 THE SITE

1.1 The application site is located on the western side of New Hey Lane, Newton-with-Scales. The site is occupied by Styrons Acres, a detached dwellinghouse set in a large curtilage and with various outbuildings to the south and west of the dwelling.

2.0 THE PROPOSAL

2.1 This application is seeking a Certificate of Lawfulness for the erection of an outbuilding to the west (rear) of the dwellinghouse. The building is intended for the purpose of storing a private collection of vintage tractors and is considered as a use incidental to the purpose of the main dwelling.

3.0 PLANNING LEGISLATION

Section 55 of the Town and Country Planning Act 1990 - "development," means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

This application includes works to erect a building within curtilage of the dwellinghouse and therefore includes development within the meaning of sec 55.

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

SCHEDULE 2 - Permitted development rights

PART 1 - Development within the curtilage of a dwellinghouse

Class E - provides permitted development rights for 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; 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);
- (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);
- (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;
- (d) the building would have more than a single storey;
- (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;
- (f) the height of the eaves of the building would exceed 2.5 metres;
- (g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;
- (h) it would include the construction or provision of a verandah, balcony or raised platform;
- (i) it relates to a dwelling or a microwave antenna; or
- (j) the capacity of the container would exceed 3,500 litres.

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.

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.

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.

4.0 ASSESSMENT

4.1 The land on which the proposed building is to be erected has been in use as private stables and a menage since at least January 2011. The stables adjacent to the proposed building were granted planning permission in 1978 and it is understood that they were erected shortly thereafter. The menage was constructed in January 2011 (Appendices 2 & 3). These were used for private equestrian use in connection with the occupation of the main dwelling. The grassed area to the rear has been continuously used and maintained as residential curtilage and satellite imagery available on Google Earth dating from 2002 shows a set of football goalposts on the land (Appendix 1)

4.2 As such the alterations must be assessed against Schedule 2, Part 1, Class E of the GDPO 2015.]

4.3 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); This is not the case.

(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); This is not the case.

(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; This is not the case.

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

(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,
No part of the proposed building would exceed 4m.

(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 The building is more than two metres from its nearest boundary.

(iii) 3 metres in any other case;
N/A

(f) the height of the eaves of the building would exceed 2.5 metres; This is not the case as the eaves would be less than 2.5 metres when measured from adjacent outside ground level.

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;
This is not the case.

(h) it would include the construction or provision of a verandah, balcony or raised platform; This is not the case.

(i) it relates to a dwelling or a microwave antenna; or
This is not the case.

(j) the capacity of the container would exceed 3,500 litres. This is not the case.

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. The site is not within any of these designated areas.

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.

This is not the case.

5.0 CONCLUSION

- 5.1 The purpose of the outbuilding would be for the carrying out of a private hobby by the occupiers of the dwelling, the use of the building would be incidental to the use of the dwelling.
- 5.2 Consequently it is considered that the proposed erection of an outbuilding that is incidental to the main use of the dwelling-house along with alterations to bring the intended use about should be considered to be permitted development and a Certificate of Lawfulness should be granted.

John Rowe RIBA Chartered Architect
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Appendix 1: 2002 satellite imagery



Appendix 2: Photograph showing construction of menage taken 21st January 2011



Appendix 3: Photograph showing construction of menage taken 21st January 2011

