

# **PLANNING STATEMENT**

**CERTIFICATE OF PROPOSED  
DEVELOPMENT FOR A  
RESIDENTIAL OUTBUILDING**

**AT**

**THE FOX  
BABBS GREEN  
WARESIDE  
WARE  
SG12 7RX**



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## **1.0 INTRODUCTION**

- 1.1 This Planning Statement has been prepared on behalf of Paul Goodman (hereafter referred to as the 'Applicant') in support of a Certificate of Proposed Development made under Section 192 of the Town and Country Planning Act 1990 (As amended) for the erection of a residential outbuilding at The Fox, Babbs Green, Wareside, Ware, SG12 7RX.
- 1.2 The application site is located to the North of the settlement of Babbs Green and comprises of a residential dwelling and its curtilage accessed off an unnamed road off Tatlingtown. The curtilage extends some 3287sqm (excluding the ground area of the original dwellinghouse).
- 1.3 Under Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) this application proposes to erect an outbuilding incidental to the enjoyment of the dwellinghouse.

## **2.0 PROPOSAL**

- 2.1 It is proposed to erect a music room to house musical instruments and recording equipment which would be sited in place of the existing swimming pool adjacent to the dwellinghouse. The building would be positioned some 2.2m from the curtilage of the dwellinghouse.
- 2.2 The music room will be of simple design with a dual-pitched roof measuring 3.860m from the ground to the ridge and 1.610m from the ground to the ridge height. The building will have a gross internal area of some 29.80sqm and will be finished externally with horizontal timber cladding.

## **3.0 TOWN AND COUNTRY PLANNING ACT**



- 3.1 The Town and County Planning Act (TCPA) 1990 (as amended) establishes at Section 192 Part (1)(b) that *“If any person wishes to ascertain whether any operations proposed to be carried out in, on, over or under land, would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.”* As detailed above the land in question is the residential curtilage to The Fox, Babbs Green, Wareside, Ware, SG12 7RX as shown on the submitted Location Plan. The building operation is the erection of a residential outbuilding as shown in the submitted elevation and floor plans.
- 3.2 Part (2) goes onto add that *“If, on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.”* The proposal development is considered to be lawful by virtue of being Permitted Development as is discussed below.

#### **4.0 PERMITTED DEVELOPMENT**

- 4.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) details the requirements for permitted development. Schedule 2, Part 1, Class E deals specifically with ‘buildings etc incidental to the enjoyment of a dwellinghouse’.
- 4.2 The music room will be used by the occupants living in the dwelling and would be in proportion to the dwelling. This is considered to be compliant with the interpretation of Part 1 Class E.
- 4.3 Development is permitted under Part 1 Class E for:

*“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.” [emphasis added].*

4.4 Development is not permitted by Part 1 Class E if:

- a) *“permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, MA, N, P, PA 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.; or*
- k) *the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)”*



#### 4.5 Taken in turn:

- a) The use of the dwellinghouse as a dwellinghouse was not granted by virtue of Class M, MA, N, P, PA or Q of Part 3 of Schedule 2 of the GPDO.
- b) The total area of ground covered would be 29sqm and would therefore not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse) which extends to some 3287sqm (excluding the ground area of the original dwellinghouse);
- c) No part of the building extends beyond the wall forming the principal elevation of the original dwellinghouse.
- d) The building is of single storey design.
- e) The building has a dual-pitched roof and the height does not exceed 4m, measuring 3.860m to the ridge. The building would be located some 2.2m from the boundary fence marking the edge of the curtilage to the dwellinghouse and 3.6m from the ownership site boundary.
- f) The building measures 1.610m to the eaves, and therefore does not exceed 2.5m.
- g) The building is not located within the curtilage of a listed building.
- h) The building does not include the construction or provision of a verandah, balcony or raised platform
- i) The proposed building does not relate to a dwelling or microwave antenna.
- j) The proposed building is not a container.
- k) The dwellinghouse was not built under Schedule 2 Part 20 of the GPDO.

4.6 As per Part 1 Class E E.2, the land within the curtilage of the dwellinghouse is not located within an area of outstanding natural beauty, the Broads, a National Park or a World Heritage Site.



4.7 Article 2(3) land as set out in Schedule 1 Part 1 of the GPDO comprises an area designated as a conservation area under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (designation of conservation areas), an area of outstanding natural beauty; an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981 (enhancement and protection of the natural beauty and amenity of the countryside); the Broads; a National Park; and a World Heritage Site. As per Part 1 Class E E.3, the site would not be located on Article 2(3) land and as such the proposed building could be sited on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

## **5.0 CONCLUSIONS**

5.1 This application made under Section 192 of the Town and Country Planning Act seeks to confirm that the proposed residential outbuilding would be lawful by virtue of being Permitted Development under Part 1 Class E of the GPDO.

5.1 It is considered for the reasons set out above that the proposed music room is Permitted Development under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended 2021) and therefore this certificate should be granted.