

**WRITTEN DESCRIPTION OF THE PROPOSED DOMESTIC OUTBUILDING
PROPOSED UNDER**

SCHEDULE TWO, PART ONE

OF THE

**THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED
DEVELOPMENT) (ENGLAND) ORDER 2015**

AT

**RIVENDELL
GRIMSTONE END
PAKENHAM
IP31 2LZ**

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1. INTRODUCTION

- 1.1 This report has been produced by Philip Plant of Mid West Planning Ltd in support of the application made to West Suffolk Council to confirm that the proposed development under Schedule 2, Part 1 (development within the curtilage of a dwellinghouse), Class E (buildings etc. incidental to the enjoyment of a dwellinghouse) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) is lawful.
- 1.2 Philip Plant holds a Bachelor of Science with Honours Degree in Rural Enterprise and Land Management and is a member of the Royal Institution of Chartered Surveyors. Philip Plant is the Managing Director of Mid West Planning Limited which specialises in all aspects of rural planning. Philip Plant has provided rural planning advice to both applicants and Local Planning Authorities including Shropshire Council, Stafford Borough Council and Warwick District Council.
- 1.3 This report and application have been prepared following the instruction of Mr Martin Serjeant owner and occupier of 'Rivendell'.
- 1.4 The proposal is the erection of a domestic garage. The domestic garage will be used for under cover parking and for domestic storage. The domestic garage will be used for uses incidental to the enjoyment of the dwelling house.

Location of Site and Background Information

- 1.5 The application site is located in open countryside in the small hamlet of Grimstone End, just north of Pakenham.
- 1.6 The application site is bordered by mature field hedgerows and dwellings in the hamlet. There are no near neighbours to the south and east of the site.
- 1.7 Rivendell is not listed nor in a Conservation Area. The nearest listed properties are Grimstone Cottage and House to the South of Grimstone Cottage (The Old Shop).
- 1.8 Grimstone End is a small village characterised by its verdant nature. Along Fen Road there is a mixture of varying styles of residential development.

2.0 SITE AND BACKGROUND INFORMATION

- 2.1 Rivendell is a substantial detached single-storey residential dwelling used by the applicants.

The Proposed Development

- 2.2 The proposal is the erection of a 2-bay, single storey, oak framed and timber clad domestic garage to be used for secure under-cover parking and domestic storage. The domestic outbuilding will be an outbuilding for purposes incidental to the enjoyment of the dwellinghouse.

Planning History

- 2.3 A pre-application enquiry (Planning Ref: PREAPP/24/014) was made to enquire if the erection of a domestic outbuilding at Rivendell could be considered lawful. The advice given was that it would be lawful as long as it complied with the requirements under Schedule 2, Part 1 (development within the curtilage of a dwellinghouse), Class E (buildings etc. incidental to the enjoyment of a dwellinghouse) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

'From the plans submitted it appears that the proposed cartlodge/garage does comply with the following aspects of permitted development; these are:

Article 3 of the General Permitted Development Order

- Schedule 2 – Permitted Development Rights*
- Part 1 – Development within the curtilage of a dwelling house*
- Class E – Buildings incidental to the enjoyment of a dwelling house.*

*"The provision within the curtilage of the dwellinghouse of... any building or enclosure... required for a purpose incidental to the enjoyment of the dwelling house as such..."
Providing that:*

- Permission to use the dwellinghouse as a dwellinghouse was not granted by virtue of Class G, M, MA, N P, PA, or Q as part of a change of use.*
- The total area of ground covered by buildings... within the curtilage (other than the original dwelling house) does not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling house)*
- Any part of the building is not situated on land forward of a wall forming the principal elevation of the original dwelling house. (I note that the Planning application SE/11/0974 was described as a "single storey rear extension")*
- The building does not have more than a single storey*
- The height of the building will not exceed 4 metres where it has a dual pitched roof or 2.5 metres if it is within 2 metres of the boundary of the curtilage of the dwelling house**
- The height of the eaves does not exceed 2.5 metres*
- The building does not include a verandah, balcony or raised platform*
- The site is not within an area of outstanding natural beauty, the Broads, a National Park or a World Heritage site.*

The Proposed Development

- 2.4 The proposal is to erect timber framed construction single storey domestic garage within the domestic curtilage of Rivendell.

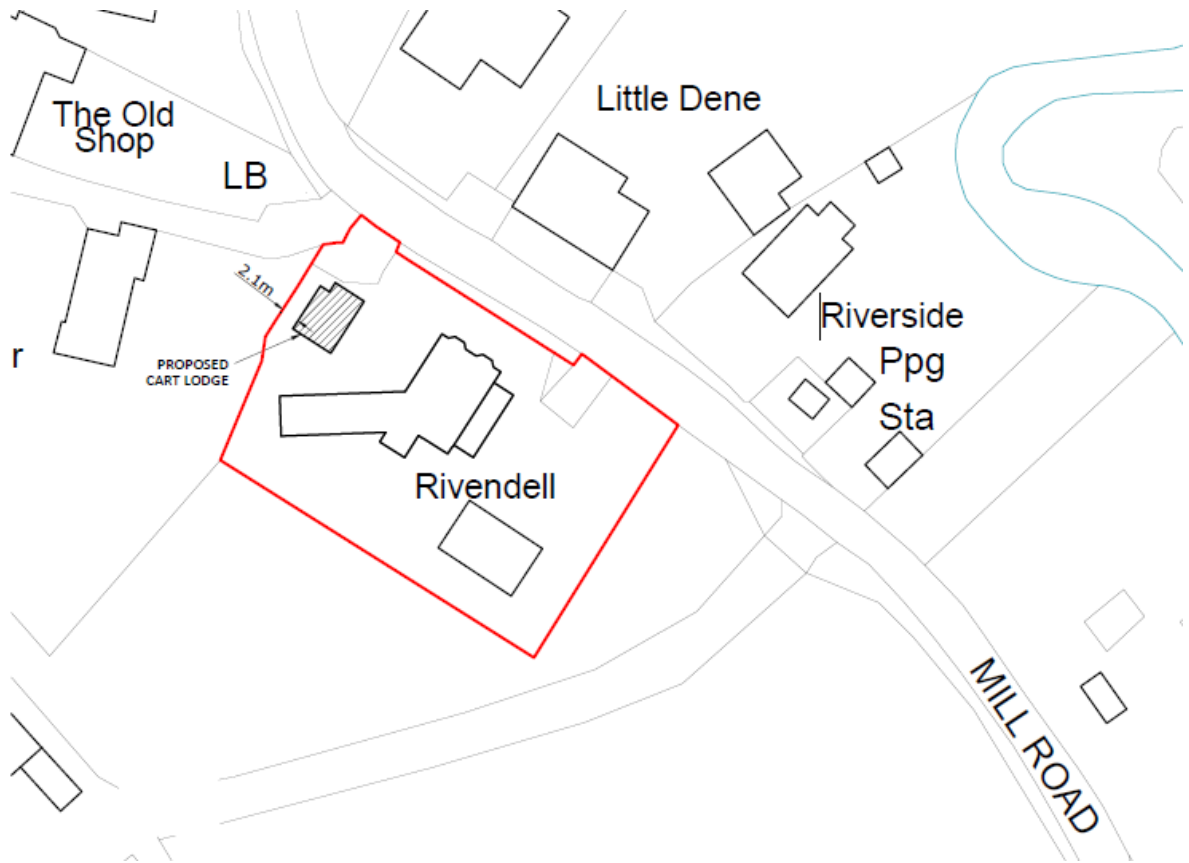


Figure One: Extract from the site plan showing proposed location of the garage/cart lodge, not forward of the front elevation and not within 2 metres distance from the boundary.

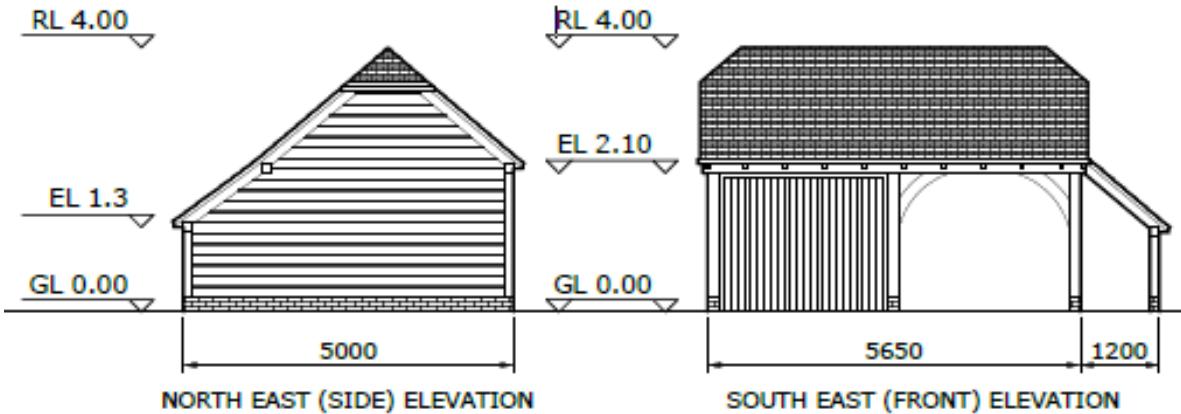


Figure Two: Front and side elevation of proposed garage

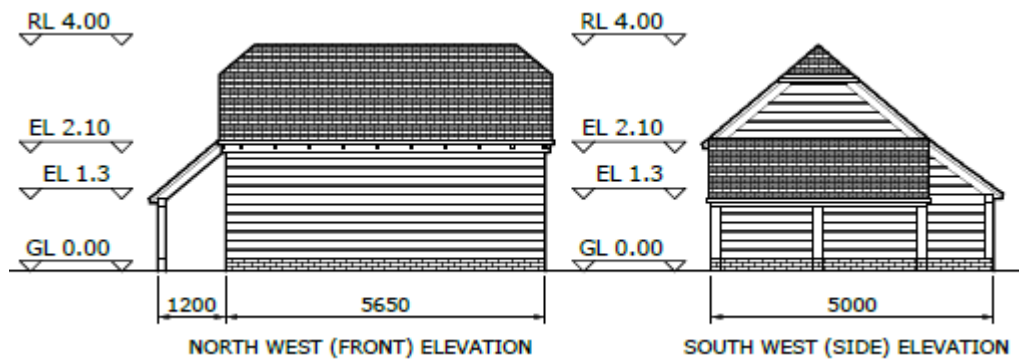


Figure Three: Rear and side elevation of proposed garage

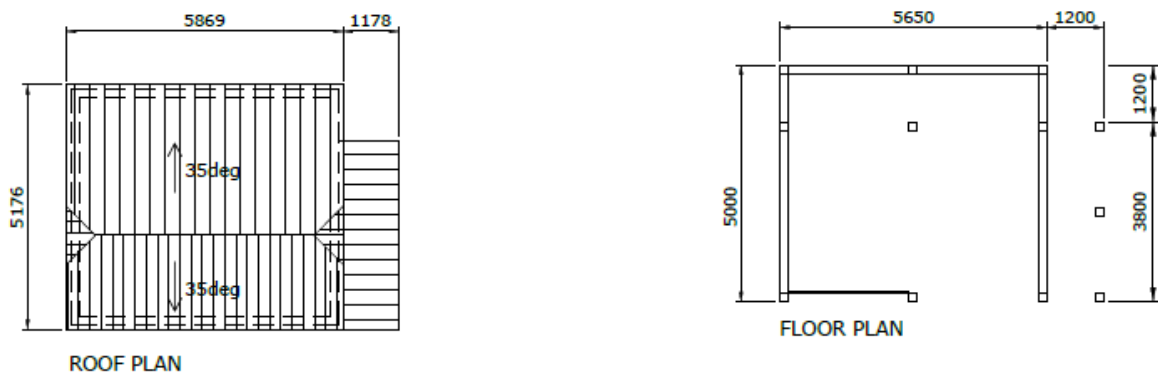


Figure Four: Roof Plan and Floor Plan of proposed garage

3.0 CRITERIA FOR MAKING THE REQUIRED ALTERATIONS TO THE DWELLINGHOUSE UNDER PERMITTED DEVELOPMENT RIGHTS

3.1 In April 2014 the permitted development rights contained in the Town and Country Planning (General Permitted Development) Order 1995 (GPDO); were amended to include additional development under this legislation. The GPDO was then consolidated in April 2015. Schedule 2, Part 1 "Development within the Curtilage of a Dwellinghouse" is the relevant Part to the current GPDO.

3.2 These proposals come under development permitted under Class E 'Provision within the curtilage of a dwelling house.

Class E PROVISION WITHIN THE CURTILAGE 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) *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);*
- (b) *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;*
- (c) *the building would have more than one storey;*
- (d) *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;*
- (e) *the height of the eaves of the building would exceed 2.5 metres;*
- (f) *the building, enclosure, pool or container would be situated within the curtilage of a listed building;*
- (g) *it would include the construction or provision of a veranda, balcony or raised platform;*
- (h) *it relates to a dwelling or a microwave antenna; or*
- (i) *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) *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.

E.3 *In the case of any land within the curtilage of the dwellinghouse which is [article 1\(5\) 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.*

Figure Three: - Proposed position of the domestic outbuilding, within the domestic curtilage of 'Rivendell' and not forward of the front elevation.

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 AGAINST PERMITTED DEVELOPMENT CRITERIA

Part 1 Class E

- 4.1 Permission to use the subject dwelling house as a dwelling house has been not granted by virtue of Class M, N, P or Q of Part 3 of the GDPO.
- 4.2 Drawings reference '101400/005/PL03' shows the extent of the proposals at Rivendell. The proposed domestic outbuilding has a footprint of 29.3m². As a result of the works proposed, the total area of ground covered by existing and new buildings within the established curtilage of the dwelling house (excluding the original dwelling house) is less than the maximum of 50% of the total curtilage area allowed.
- 4.3 Development within this scheme covered by Class E permitted development comprises a domestic garage. The proposed building is designed to be not more than 4m in overall height at 4.00m. The height to eaves is less than 2.5m at 2.10m. The proposed domestic outbuilding is not situated within 2m from the site boundary (the residential curtilage).
- 4.4 The domestic outbuilding will provide undercover domestic parking area and domestic storage space. The proposed domestic outbuilding will only be used for purposes incidental to the enjoyment of the dwelling house, as described.

5. CONCLUSION

- 5.1 The proposal is for the erection of a single storey domestic outbuilding within the domestic curtilage of Rivendell, behind the principal elevation is considered to be acceptable under permitted development rights. The proposed domestic outbuilding will provide undercover parking and domestic storage space for uses incidental to the enjoyment of the host dwelling house.
- 5.2 The pre-application enquiry (Planning Ref: PREAPP/24/014) was made to enquire if the erection of a domestic outbuilding at Rivendell could be considered lawful, and the advice given was that it would be lawful as long as it complied with the requirements under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 5.3 It is considered that the proposals described above and depicted on the plans and submitted Drawings reference '101400/SERJEANT/005/PL03' meet the criteria and restrictions of permitted development for domestic outbuildings under Class E Schedule Two, Part One of the Town and Country Planning (General Permitted Development) Order 2015.

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