



D&M PLANNING Ltd

Chartered Town Planners

1A High Street, Godalming Surrey GU7 1AZ | 01483425705 | info@dm-planning.co.uk
www.dm-planning.co.uk

**SECTION 192 APPLICATION - CERTIFICATE OF LAWFULNESS OF PROPOSED USE OR
DEVELOPMENT (CLOPUD)**

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER
(GPDO) 2015 AND THE TOWN AND COUNTRY PLANNING (GENERAL PERMITTED
DEVELOPMENT) (ENGLAND) (AMENDMENT) ORDER 2023**

**CLASS E AND F OF PART 1 OF SCHEDULE 2 – CONSTRUCTION OF A SWIMMING POOL,
POOL HOUSE ALONG WITH ASSOCIATED HARDSTANDING**

AT

LITTLE ANDREWS FARM, LONG SUTTON, HOOK, HAMPSHIRE, RG29 1TQ

D&M REFERENCE: 037/24/MS

MARCH 2024

DIRECTOR - ANDREW BANDOSZ BA (Hons) MSc Dip UPI MRTPI

ASSOCIATES - MATT SMITH BA (Hons) MA MRTPI - CHRIS FRENCH BSc (Hons) MSc MRTPI

PLANNER - PAUL HARDWICK BSc (Hons) MRTPI

CONTENTS

- 1. Introduction**
- 2. Site and surrounding area**
- 3. Planning history**
- 4. Proposal**
- 5. Assessment of proposal and compliance with the GPDO**
- 6. Conclusion**

1.0 INTRODUCTION

1.1 This application for a Certificate of Lawfulness of Proposed Use or Development (CLOPUD) is made on behalf of the applicant, the owner and occupier of Little Andrews Farm, Long Sutton, Hook, RG29 1TQ.

1.2 The application before you is for the construction of a swimming pool, construction of a pool house and creation of hard standing around the pool under the auspices of Class E and F of Schedule 2 Part 1 (permitted development within the curtilage of a dwellinghouse) of the Town and Country Planning (General Permitted Development) Order (GPDO) 2015 (as amended).

1.3 The applicant does not currently benefit from an outdoor swimming pool and the pool house is proposed as incidental to this providing incidental dedicated changing facilities next to the pool.

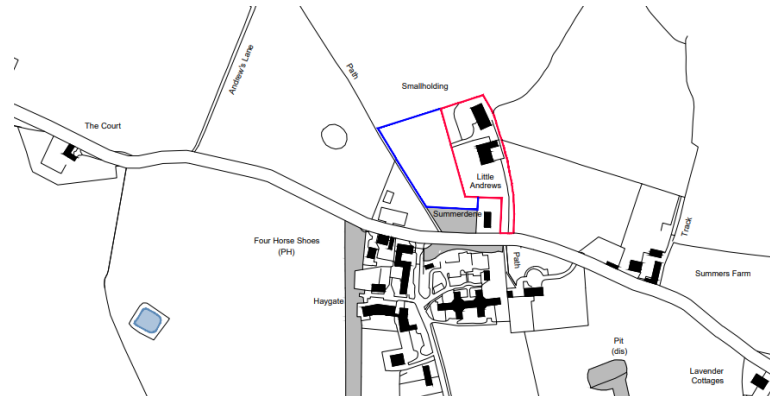
1.4 The statement should be read in conjunction with the documents submitted with this CLOPUD application, as set out below:

- Application Forms (Certificate of Lawfulness for a Proposed Use or for a Proposed Development);
- Location and Block Plans;
- Elevations and Plans

1.5 This carefully considered proposal can be constructed in strict accordance with Classes E and F of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order (GPDO) 2015 (as amended).

2.0 SITE AND SURROUNDING AREA AND RELEVANT HISTORY

2.1 Little Andrews Farm (outlined in red on the site plan below) to the north of White Hill behind the neighbouring residential dwelling. The site consists of a detached dwelling with ancillary/incidental provisions within a generous curtilage at the end of a track.



3.2 The site is within a small cluster of other development including a college, public house, and residential properties. The more defined settlement of Long Sutton with a village hall and church is located a short distance to the west.

3.3 The site is identified as being within the countryside but not subject to any other landscape or heritage constraints. The site is therefore not within Article 2(3) land for the purposes of the GPDO.

3.0 PLANNING HISTORY

3.1 The planning history for the site is set out below:

Ref:	Title:	Decision
96/00578/FUL	2 no. single storey extensions with gallery rooms in roof void	Appeal Allowed 1996
98/01284/FUL	Erection of new storage building	Refuse
03/00272/FUL	Replacement of existing storage building	Appeal Allowed 2004
06/01676/FUL	Erection of a hard wood and glazed orangery following demolition of upvc and polycarbonate pool cover	Granted 2006
07/01810/FUL	Raising of ridge height of part of the roof and addition of dormer windows	Granted 2007

3.2 The planning history research has revealed that the property's permitted development rights are intact.

4.0 PROPOSAL

- 4.1 This application is for a certificate of lawful development (proposed) for the construction of a swimming pool, erection of outbuilding and creation of hard standing around the pool under the auspices of Classes E and F of Schedule 2 Part 1 (permitted development within the curtilage of a dwellinghouse) of the Town and Country Planning (General Permitted Development) Order (GPDO) 2015 (as amended).
- 4.2 The proposed pool and outbuilding (pool house) would be positioned to the rear of property within its clearly defined residential curtilage.
- 4.3 The pool would have a width of 4m and a length of 11m with a depth of 1.5m. The pool house would have a width of 4.5m and a length of 3m, its total height would be 3.1m with a dual pitched roof.
- 4.4 The hardstanding would be surrounding the pool and would include provision for water run-off within the curtilage of the property.

5.0 ASSESSMENT OF PROPOSAL AND COMPLIANCE WITH THE GPDO

- 5.1 The application is made under Section 192 of the Town and Country Planning Act 1990 (as amended). This allows for any person to find out whether any proposed use or operations would be lawful by applying to the Local Planning Authority for that purpose.
- 5.2 If the description of development proposed accords with the provisions of the Town and Country Planning (General Permitted Development) Order 2015 and The Town and Country Planning (General Permitted Development) (Amendment) Order 2023, the certificate of lawful use or development should be granted.
- 5.3 Article 24 of the Town and Country Planning (General Development Procedure) Order 1995 (SI 1995/419) specifies what must be provided with such applications for them to be considered, validated and registered. This includes identifying the site, the proposed development and providing any supporting information to assist with the determination of the application. The application complies with the provisions of Article 24.
- 5.4 When considering Section 192 applications, it is necessary for the Local Planning Authority to not only consider whether the proposal would involve “development” requiring an application for planning permission, but whether it would involve a breach of any condition or limitation imposed on any grant of planning permission that has been implemented. Consideration of whether the proposal represents development for the purposes of Section 55 of the Town and Country Planning Act 1990 (as amended), and whether it complies with the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and any conditions and limitations is set out below in support of the application.
- 5.5 Section 55 (1) of the Town and Country Planning Act 1990 (as amended) in defining development draws a distinction between operational development and the making of a material change of use. Section 55 (1) states ‘... “development,” means the carrying

out of building, engineering, mining or other operations in, on, over or under land, or the making of a material change in the use of any building or other land.’ The application involves operational development in respect of the erection of a garage and creation of hard standing to provide incidental facilities and would represent development for the purposes of section 55 of the Act.

5.6 When considering the application, once it has been established the proposal does constitute development for the purposes of section 55 (1) of the Town and Country Planning Act (as amended), it is necessary to consider if such development is permitted by any Order.

5.7 As such, the following paragraphs will demonstrate that the proposal constitutes permitted development as set out within Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order (GPDO) 2015.

5.8 Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order (GPDO) 2015 and the Town and Country Planning (General Permitted Development) (Amendment) Order 2017 grants permission 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

The swimming pool would be clearly incidental to the host property providing outdoor sport and recreational facilities for the occupiers. The proposed outbuilding is modest in size providing changing facilities for the pool, this is a use clearly incidental to the main building.

5.9 The order states that development is not permitted if:

- (a) *permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use*

The use of the dwellinghouse was not as a result of exercising permitted development rights with the GPDO.

- (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);*

The extent of the curtilage is shown within the red line on the location plan. The proposal would not in isolation or together with other buildings on the site cover more than 50% of the curtilage.

- (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 proposed development is wholly sited to the rear of the property. The planning history for the site clearly shows the principal elevation to be the one which faces east; this elevation including the principle features such as the recessed entrance porch.

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

The building would be 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;

The proposed building would have a dual pitched roof, and be located more than 2m from the boundary of the curtilage. It would not exceed 4m in height

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

The eaves would be under 2.5 metres in height.

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

Little Andrews Farm is not a listed building.

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

It would not consist of any of the above.

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

It does not relate to a dwelling or microwave antenna.

- (j) *the capacity of the container would exceed 3,500 litres.; or*

No container is proposed.

- (k) *the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).*

The dwelling was not built under Part 20.

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.*

The site is not within any of the constraints listed above.

5.10 Class F of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order (GPDO) 2015 and the Town and Country Planning (General Permitted Development) (Amendment) Order 2017 grants permission for:

Development consisting of—

(a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or

(b) the replacement in whole or in part of such a surface.

The proposal would be for hard standing within the curtilage of the dwellinghouse proposed to be used for incidental purposes (pool surround)

F1. Development is not permitted by Class F if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use); or

(b) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

The dwelling was not granted use as a dwellinghouse by virtue of the GPDO.

Conditions

F.2 Development is permitted by Class F subject to the condition that where—

(a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and

(b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,

either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

The hard surface would exceed 5 square metres and would include provision to direct run-off water from the hard surface to a permeable/porous area within the curtilage of the dwellinghouse.

6.0 CONCLUSION

- 6.1 This is a straightforward proposal for the construction of a swimming pool with small outbuilding and associated hardstanding at Little Andrews Farm.
- 6.2 The proposal fully satisfies all of the criteria set out in Class E and F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order (GPDO) 2015.
- 6.3 Having regard to the above information, it is considered that the Council should be able to issue the Certificate of Proposed Lawfulness under Section 192 of the Town and Country Planning Act 1990.
- 6.4 The plans hereby submitted demonstrate that the proposed development complies with the provisions of The Town and Country Planning (General Permitted Development) Order 2015 and the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2017, as stated above.
- 6.5 The works comply with the provisions of the amended Order, but it is also necessary to consider if there are any conditions, or any other constraints or limitations, where express planning permission has been granted for development requiring planning permission in respect to the site, preventing the issuing of the Certificate. No such constraints apply.
- 6.6 No Article 4 Direction applies to the land. The site is not subject to any other constraints that would prevent the exercise of permitted development rights as applied for in this application.
- 6.7 I trust we have provided you with sufficient information in order to determine the application. However, if you require any additional information, require any clarification on any point or if I can be of any further assistance in this regard then please do not hesitate to contact me.

D&M PLANNING LIMITED
Chartered Town Planners