

DELEGATED REPORT

Report by Oliver Sear	Date of report: 25/09/2020	Ref: 65839/LDCP
Registration: 27/08/2020	LDfC:	Expiry Date: 22/10/2020
Site Visit:	Site Notice: N/A	Press Date: N/A
Objections:	Con Area: N/A	Adv Type: N/A
Reason for Delay:		EIA: NA
N/A		Dec Level: DEL
		Stat Class: OTHS

Proposal: Proposed lawful development certificate to erect a summerhouse in our back garden. This will be a wooden building on a plastic shed base filled with hardcore. There will be no additional drainage requirements or extra access requirements. The summerhouse will solely be used by my family and friends for domestic use. The construction will be no larger than 2.5 metres wide by 1.85 metres deep by 2.5 metres high.

Location: 37 Bradshaw Road, Walshaw, Tottington, Bury, BL8 3PW

Description

An application for a lawful development certificate for a proposed outbuilding outbuilding relating to an end of terrace dwellinghouse on Bradshaw Road.

The outbuilding would be 2.5 metres by 1.85 metres. It would have a maximum height of 2.5 metres and a monopitched roof.

Relevant Planning History

02477/E - Erection of a summerhouse in back garden dimensions - Enquiry completed 03/09/2020

60560 - Single storey extension at rear - Approve with Conditions 08/11/2016

17/0104 - Building over land that is registered as public right of way - 11/04/2017

Publicity

None

Statutory/Non-Statutory Consultations

None

Pre-start Conditions - None

Unitary Development Plan and Policies

OL1 Green Belt

OL7/2 West Pennine Moors

EN9/1 Special Landscape Areas

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF) and the adopted Bury Unitary Development Plan (UDP) together with other relevant material planning considerations. The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For simplicity, just the UDP Policy will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be

specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

The building is not listed nor in a conservation area.

The building has not had its permitted development rights removed.

The total area of ground covered by buildings, enclosures and containers within the curtilage would not exceed 50% of the curtilage.

The building would not be situated on land located forward of the principal elevation of the original dwellinghouse.

The building would only have a single storey.

The height of the outbuilding would be less than 4 metres and the outbuilding would have a dual pitched roof.

The height of the eaves of the building would not exceed 2.5 metres.

It would not include the construction or provision of a verandah, balcony or raised platform.

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With regard to the above the proposed outbuilding is permitted development in that it complies with Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015

Recommendation: LAWFUL

Conditions and Reasons:

- 1 The proposal as described in the First Schedule, is deemed to be 'Permitted Development' having regard Article 3, Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
O.S	25/09/2020	DM	15/10/2020