

**Application for a certificate of lawful development relating to a proposed detached, single storey garden room in the rear amenity space of Ryehurst
Walshaw Road, Bury BL8 1PR**

The application is made under section 192 of the 1990 Act (as amended).

Planning statement



August 2022

Prepared by Hartley Planning and Development Associates Ltd

The owner of the above dwelling intends to construct a detached annex in the rear garden, with the annex to be used for purposes incidental to the enjoyment of the dwellinghouse.

The General Permitted Development Order 2015, as amended (GPDO) defines uses incidental to the for enjoyment of the dwelling house as *'the keeping of poultry, bees, pet animals, birds or other livestock **for the domestic needs or personal enjoyment of the occupants of the dwellinghouse**'*.(My highlighting)

He wishes to obtain confirmation from the local planning authority that the proposed development would constitute permitted development.

Therefore, the application is submitted for confirmation that the proposed development, as shown on the submitted plans, would be permitted under Schedule 2, Part 1, Class E of the General Permitted Development Order 2015 (as amended). The proposed development accords with the terms of Class E as the following indicate: -

Terms of class E	The proposed development
E. The provision within the curtilage of the dwelling house of— (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwelling house 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 annex is for purposes incidental to the enjoyment of the dwelling house and would include a golf simulation room and a pool table room.
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);	The house was not approved under such terms.
(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;	Condition easily met The proposed garden room would be to the rear of the principal elevation of the original dwellinghouse
(d) the building would have more than a single storey;	It 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 Householder Technical Guidance 2019 states that <i>'The height of the building, enclosure or container should be measured from the highest ground level immediately adjacent to the building, enclosure, or container to its highest point'.</i> The proposed development when measured in this way has a maximum height of 2.2 metres and

	would be more than 3 metres from any boundary
(f) the height of the eaves of the building would exceed 2.5 metres;	The height to the eaves would be than 2.2 metres
(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;	The building is not listed
(h) it would include the construction or provision of a verandah, balcony or raised platform;	Not applicable
(i) it relates to a dwelling or a microwave antenna; or	It does not relate to either
(j) the capacity of the container would exceed 3,500 litres.	Not applicable
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 dwelling house would exceed 10 square metres.	N/A
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 proposed development is not within article 2(3) land ie 'Land within— (a) an area designated as a conservation area under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (designation of conservation areas); (b) an area of outstanding natural beauty; (c) 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)(a); (d) the Broads; (e) a National Park; and (f) a World Heritage Site'.
E.3 In the case of any land within the curtilage of the dwelling house 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	1(5) of the GPDO, 1995, includes:- Land within— (a)a National Park; (b)an area of outstanding natural beauty; (c)an area designated as a conservation area

dwelling house and the boundary of the curtilage of the dwelling house.	<i>under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990(1)(designation of conservation areas);</i> <i>(d)an area specified by the Secretary of State and the Minister of Agriculture, Fisheries and Food for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(2)</i> <i>(enhancement and protection of the natural beauty and amenity of the countryside);</i> <i>(e)the Broads.</i>
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