

DELEGATED FILE NOTE

CASE OFFICER: ...Vicki Wood.....

**APPLICATION
REFERENCE**

**BRIEF DESCRIPTION OF
DEVELOPMENT**

APPLICATION SITE

25/01838/LDCP

Detached outbuilding

Wellside Cottage

Smiths End Lane

Barley

Royston

Hertfordshire

SG8 8LJ

Submitted Plan Nos

21030-S001 21030-P001

1.0 Policies

.0 **Site History**

- 2.1 25/00408/LDCP - Erection of detached outbuilding incorporating 3no. roof lights to the front elevation. Granted.
- 2.2 25/00409/FPH - Creation of vehicular access off Smiths End Lane and existing vehicular access permanently made redundant and installation of 1.2m post and rail fence on eastern boundary. Provision of new driveway and 3 car parking spaces. Conditional Permission.
- 2.3 24/01692/FPH - Erection of detached outbuilding with external stairs to access first floor office space and incorporating 4no. roof-lights following demolition of existing outbuilding and shed. Refused.
- 2.4 24/00573/FPH - Part two storey, part single storey rear extension following demolition of existing conservatory and outbuildings. Installation of flue following demolition of chimney stack, and alterations to fenestration. Conditional Permission.

3.0 **Representations**

- 3.1 N/A

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site lies on the northwest side of Smith's End Lane, Barley and is within the Rural Area beyond the Green Belt and the Barley Conservation Area.
- 4.1.2 The dwelling occupies a large plot of land and is set back from the highway. Due to its orientation and position on the bend, the side flank elevation of the dwelling and a timber outbuildings are visible when driving towards the dwelling in a southerly direction from London Road.

4.2 **Proposal**

- 4.2.1 A Certificate of Lawfulness (proposed) is sought for the erection of a detached outbuilding.

4.3 **Key Issues**

- 4.3.1 The key issues for consideration are whether the proposed development would require a specific planning permission or be considered 'permitted development' in line with the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2, Part 1 as amended.
- 4.3.3 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 G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

The proposal complies with this criterion.

(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 proposal complies with this criterion.

(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 proposal complies with this criterion.

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

The proposal complies with this criterion.

(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 proposal complies with this criterion.

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

The proposal complies with this criterion.

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

The proposal complies with this criterion.

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

The proposal complies with this criterion.

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

The proposal complies with this criterion.

(j) the capacity of the container would exceed 3,500 litres.

The proposal complies with this criterion.

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.

The proposal complies with this criterion.

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 proposal complies with this criterion.

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

The proposal complies with this criterion.

4.4 Conclusion

- 4.4.1 A Certificate of Lawfulness (proposed) can be issued on the basis that the erection of a detached outbuilding constitutes permitted development by virtue of Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Signed  Naomi Reynard	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 8 August 2025	

