

## DELEGATED FILE NOTE

**CASE OFFICER:** ...Harriet Sanders.....

| APPLICATION<br>REFERENCE | BRIEF DESCRIPTION OF<br>DEVELOPMENT                                                                         | APPLICATION SITE                                                                                  |
|--------------------------|-------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| 26/00782/LDCP            | Erection of detached single storey 4 bay garage with car port and solar roof panel array on front roofslope | The Cottage<br>Roxley Court Road<br>Willian<br>Letchworth Garden City<br>Hertfordshire<br>SG6 2AJ |

### **Submitted Plan Nos**

Location Plan BB\_MARK-UP\_001 25058-001 BBRX-001

#### **1.0 Policies**

#### **2.0 Site History**

- ☐ 25/02938/FPH – Erection of detached single storey 5 bay car port with solar roof panels. Refused 26/02/2026.
- ☐ 25/00684/S73 - Variation of condition 2 (revised plans) of planning permission 24/02733/FPH granted for single storey rear extension and alterations to existing fenestration following demolition of existing rear extensions. CP 19/05/2025.
- ☐ 24/02733/FPH - Single storey rear extension and alterations to existing fenestration following demolition of existing rear extensions. CP 27/01/2025.

- 01/01556/1 - Erection of new detached garage and re-arrangement of internal driveway. (As amended by plans received on 28 November 2001). CP 03/12/2001.

2.2 Permitted development rights do not appear to have been removed.

### 3.0 **Representations**

3.1 Neighbour notification is not a statutory requirement as part of the Lawful Development Certificate process.

### 4.0 **Planning Considerations**

#### 4.1 **Site and Surroundings**

4.1.1 The application site is The Cottage, accessed from Roxley Court Lane, close to the village of Willian. The cottage is sited close to Roxley Manor and the Old Stables. The Cottage sits within a large plot bounded to the north by the Old Stables, and to the south and east by open farmland. There is a long access drive from a parking area in front of Roxley Manor. The site is within the Green Belt

#### 4.2 **Proposal**

4.2.1 A certificate of lawfulness (proposed) is sought for:

*“Erection of detached single storey 4 bay garage with car port and solar roof panel array on front roofslope.”*

#### 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 Class E and Schedule 2, Part 14 Class A.

**Class E – buildings etc incidental to the enjoyment of a dwellinghouse**

**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.**

**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. The grounds connected to The Cottage are extensive and not all of the area can be considered to be domestic curtilage. However, there is a clearly defined area of land around The Cottage, defined by mature and established vegetation that is considered to be the domestic curtilage. The proposal would not exceed 50% of the total of this area.

**(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 Permitted development rights for householders Technical Guidance by the Ministry of Housing, Communities and Local Government (Sept 2019) provides the following guidance on the 'principal elevation':

*"in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.*

*There will only be one principal elevation on a house. Where there are two elevations which may have the character of a principal elevation, for example on a corner plot, a view will need to be taken as to which of these forms the principal elevation."*

The Cottage is sited away from the main highway. The test of the principal elevation facing the main highway is not relevant in this situation.

The Cottage has been substantially extended and reconfigured. However, looking at the main architectural features of The Cottage, there is a traditional style porch canopy feature on the south elevation and main bay windows with an entrance into the main hallway which contains the staircase to the first floor. It is reasonable to assume that this is the original entry into the house and can be considered to be the principal elevation.

**(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;**

N/a.

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

N/a.

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

The proposal complies with this criterion.

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

N/a.

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

N/a.

**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.**

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.**

N/a.

**Schedule 2, Part 14 Class A**

**A. The installation, alteration or replacement of microgeneration solar PV or solar thermal equipment on—**

**(a) a dwellinghouse or a block of flats; or**

**(b) a building situated within the curtilage of a dwellinghouse or a block of flats.**

**Development is not permitted by Part 14, Class A if —**

***a) the solar PV or solar thermal equipment would protrude more than 0.2 metres beyond the plane of the wall or, in the case of a pitched roof, the roof slope when measured from the perpendicular with the external surface of the wall or pitched roof slope;***

The proposed work complies with this criterion.

***b) in the case of solar PV or solar thermal equipment on a pitched roof, it would result in the highest part of the solar PV or solar thermal equipment being higher than the highest part of the roof (excluding any chimney);***

The proposed work complies with this criterion.

***(ba) in the case of solar PV or solar thermal equipment on a flat roof, it would result in the highest part of the solar PV or solar thermal equipment being more than 0.6 metres higher than the highest part of the roof (excluding any chimney);***

N/a.

***c) in the case of land within a conservation area or which is a World Heritage Site, the solar PV or solar thermal equipment would be installed on a wall which fronts a highway;***

N/A.

***d) the solar PV or solar thermal equipment would be installed on a site designated as a scheduled monument; or***

N/A.

***e) the solar PV or solar thermal equipment would be installed on a building within the curtilage of the dwellinghouse or block of flats if the dwellinghouse or block of flats is a listed building.***

N/A.

## **Conditions**

**A.2 Development is permitted by Class A subject to the following conditions—**

**a) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the external appearance of the building;**

**b) solar PV or solar thermal equipment is, so far as practicable, sited so as to minimise its effect on the amenity of the area;**

(ba) in the case of solar PV or solar thermal equipment installed on a flat roof located on article 2(3) land, before beginning development the developer must apply to the local planning authority for a determination as to whether the prior approval of the local planning authority will be required with respect to the impact of the appearance of the solar PV or solar thermal equipment on that land;

bb) in relation to an application under sub-paragraph (ba), paragraphs J.4(3) to J.4(12) of this Part apply as if “Class A” substitutes the reference to “Class J” in paragraph J.4(4); and

c) solar PV or solar thermal equipment is removed as soon as reasonably practicable when no longer needed.

The solar panels would be positioned on the front roofslope of the outbuilding. They would not be visible from the public realm. The development is compliant with these conditions.

#### 4.4 Conclusion

- 4.4.1 A Certificate of Lawfulness (proposed) can be issued on the basis that the proposed development constitutes permitted development by virtue of Class E, Part 1 of Schedule 2 and Class A, Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

#### Proactive Statement:

A Certificate of Lawfulness (proposed) can be issued on the basis that the proposed development constitutes permitted development by virtue of Class E, Part 1 of Schedule 2 and Class A, Part 14 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended.

|                                                                                                                |                                                                                                                                    |
|----------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| Signed<br><br>Naomi Reynard | Development Management<br>North Hertfordshire District Council<br>Council Offices<br>Gernon Road<br>Letchworth<br>Herts<br>SG6 3JF |
| Determining Officer                                                                                            |                                                                                                                                    |
| Date: 11 June 2026                                                                                             |                                                                                                                                    |