

DELEGATED FILE NOTE

CASE OFFICER: ...Henry Thomas.....

APPLICATION REFERENCE	BRIEF DESCRIPTION OF DEVELOPMENT	APPLICATION SITE
25/00408/LDCP	Erection of detached outbuilding incorporating 3no. roof lights to the front elevation.	Wellside Cottage Smiths End Lane Barley Royston Hertfordshire SG8 8LJ

Submitted Plan Nos

20917-S001 20917-P001-A

1.0 Policies

2.0 **Site History**

- 2.1 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

Pending

- 2.2 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.

- 2.3 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 None consulted.

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

- 4.1.1 The site is a detached two-storey dwelling on the north-west side of Smiths End Lane in a rural part of Barley, the site is within the rural area beyond the greenbelt. The site is in the Barley Conservation Area.

- 4.1.2 The dwelling is on a large plot and is set back from the highway by approximately 33m. Due to its orientation and position on the bend, the dwelling side elevation is predominantly seen when driving towards the dwelling from the Barley High Street.

4.2 **Proposal**

- 4.2.1 A Certificate of Lawfulness (proposed) is sought for the erection of an outbuilding with a pitched roof at the rear of the site; to be used as a gym, store room, and bathroom.

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, as amended. Class E permitted development rights have not been removed by Condition.

- 4.3.2 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, PA or Q of Part 3 of this Schedule (changes of use);**

The property was originally built as a dwellinghouse and so 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 total area of ground covered by buildings, enclosures and containers within the curtilage, would not exceed 50% of the total area of the curtilage and so 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 proposed outbuilding would be sited in the rear garden and would not be situated on land forward of a wall forming the principal elevation of the original dwellinghouse, and so complies with this criterion.

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

The proposal is single storey and so 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 building would be more than 2m from the boundary and the height would not exceed 4m, and so complies with this criterion.

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

The height of the eaves would not exceed 2.5m and so complies with this criterion.

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

The property is not a listed building and so complies with this criterion.

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

The proposal does not include any of the above and so complies with this criterion.

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

The proposal relates to an outbuilding in the garden of a dwelling and so complies with this criterion.

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

The proposal does not relate to a container and so 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 proposed building is considered to comprise uses incidental to the enjoyment of the dwellinghouse, and complies with this criterion.

4.4 Conclusion

- 4.4.1 A Certificate of Lawfulness (proposed) can be issued on the basis that the proposed ‘Erection of outbuilding in rear garden to provide gym, store room and bathroom 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 <i>Andrew Hunter</i> Andrew Hunter	Development Management North Hertfordshire District Council Council Offices Gernon Road Letchworth Herts SG6 3JF
Determining Officer Date: 7 April 2025	