



## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/23/2153/0E1
2.	<b>Proposed Development:</b>	CERTIFICATE OF LAWFULNESS FOR A PROPOSED WASTE TREATMENT PLANT
3.	<b>Location:</b>	TIVOLI HOUSE, MORESBY
4.	<b>Parish:</b>	Moresby
5.	<b>Constraints:</b>	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change
6.	<b>Publicity Representations &amp;Policy</b>	None required.
7.	<b>Report:</b>	<p><b>Site and Location</b></p> <p>This application relates to Tivoli House, a detached property located within the Moresby area of Whitehaven.</p> <p>The property benefits from a large garden and it is bound by a boundary wall.</p> <p><b>Proposal</b></p> <p>This application seeks a lawful development certificate for a proposed development.</p> <p>The proposal includes the installation of new waste treatment plant within the rear garden. The 8- person tank will measure 2.6 metres in length, 1.64 metres in width and 2.24 metres in height and it will be located underground.</p> <p>It will have a small 0.33-metre-high access/inspection port above ground.</p>

## **Planning Policy**

Town and Country Planning Act 1990 – Section 192 as amended by Section 10 of the Planning and Compensation Act 1991

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

## **Assessment**

Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 permits buildings etc incidental to the enjoyment of a dwelling house.

The application relates to a detached house; therefore, the provisions of Schedule 2, Part 1, Class E of the GPDO 2015 are applicable.

The provision of Schedule 2, Part 1, Class E of the GPDO 2015 are considered in turn below:

In respect of the provisions of E. –

- The proposal comprises the installation of a new waste treatment plant within the curtilage of the dwelling house.
- The Council takes a pragmatic approach when assessing septic tanks and waste treatment plants under Schedule 2 Part 1 Class E and considers them to be required for a purpose incidental to the enjoyment of the dwelling house.

In respect of the provisions of E.1 -

- (a) The property has not been granted permission to use the dwelling house as a dwelling house by virtue of Part 3 of the GPDO (change of use);
- (b) The total area of ground covered by outbuildings within the curtilage of the dwelling would not exceed 50%;
- (c) The proposal will not be situated on land forward of a wall forming the principal elevation of the original dwelling house;
- (d) The new waste treatment plant will be located underground;
- (e) The height will not exceed 2.5 metres;
- (f) The height will not exceed 2.5 metres;
- (g) The proposal will not be situated within the curtilage of a listed building;
- (h) The proposal does not include a verandah, balcony or raised platform;
- (i) The proposal does not relate to a dwelling or microwave antenna;
- (j) The proposal does not relate to a container used for domestic heating purposes;
- (k) The dwelling house was not built under Part 20 of this Schedule.



**Cumberland  
Council**

	<p>In respect of the relevant provisions of E.2 - The proposal does not relate to an area of outstanding natural beauty, the Broads, a National Park or a World Heritage Site.</p> <p>In respect of the relevant provisions of E.3 – The proposal does not relate to article 2(3) land.</p> <p>The property benefits from large garden and the new waste treatment plant will be located underground in the rear garden. The proposal is therefore considered to be suitably located and the modest access/insection port will minimise the impact of the development on the surrounding area.</p> <p><u>Conclusion</u> Having considered the proposal against the criteria outline in Class E Part 1 of this Order, I am satisfied that the proposed works comply and falls within the definition of permitted development, therefore the Certificate of Lawfulness should be granted.</p>
8.	<b>Recommendation:</b> Approval of Certificate of Lawfulness
<b>Case Officer: C. Unsworth</b>	<b>Date : 29/06/2023</b>
<b>Authorising Officer: N.J. Hayhurst</b>	<b>Date : 14/07/2023</b>
<b>Dedicated responses to:- N/A</b>	