

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2160/0E1
2.	Proposed Development:	LAWFUL DEVELOPMENT CERTIFICATE FOR PROPOSED ERECTION OF A DETACHED GARAGE
3.	Location:	9 THE READING ROOMS, SPRINGFIELD ROAD, BIGRIGG
4.	Parish:	Egremont
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Standing Advice - Data Subject To Change, Outer Consultation Zone - Sellafield 10KM
6.	Publicity Representations &Policy	See Report
7.	Report: SITE AND LOCATION The application site relates to 9 The Reading Rooms, a residential dwelling located on an existing terraced row within Bigrigg, near to Egremont. PROPOSAL This application seeks a Lawful Development Certificate for a proposed development. The proposal is for works to construct a prefabricated concrete detached garage to the rear elevation of an existing dwelling. The proposed garage will be 5.56 metres in length and 2.896 metres in width. It will be of dual pitch construction with an eaves height of 2 metres and an overall height of 2.5 metres with a 15 degree pitch. RELEVANT PLANNING POLICY/ LEGISLATION 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)

CONSULTATION RESPONSES:

There is no statutory requirement to consult third parties including Parish Councils or neighbours. It may, however, be reasonable for a local planning authority to seek evidence from these sources if there is good reason to believe they may possess relevant information about the context of a specific application. This normally only relates to Lawful Use applications for existing uses. In this case, the application relates to a proposed development and seeks to establish that the works proposed fall within the definition of Permitted Development. In such cases, views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question are irrelevant when determining the application.

LEGAL CONSIDERATIONS

For the purposes of clarification a Lawful Development Certificate enables applicants to establish whether a proposed development is lawful for planning purposes. In this instance it is claimed that the proposed works fall within the definition of Permitted Development.

ASSESSMENT

Schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 is applicable which relates to buildings incidental to the enjoyment of a dwellinghouse.

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 a new building incidental to the enjoyment of a dwellinghouse

In respect of the provisions of E.1

- (a) permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);
- (b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would not 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 does not be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;



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- (d) the building does not have more than a single storey;
- (e) the height of the building, enclosure or container does not 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
- (f) the height of the eaves of the building does not exceed 2.5 metres;
- (g) the building, enclosure, pool or container is not situated within the curtilage of a listed building;
- (h) it does not include the construction or provision of a verandah, balcony or raised platform;
- (i) it does not relate to a dwelling or a microwave antenna;
- (j) the capacity of the container would not exceed 3,500 litres.;
- (k) the dwellinghouse is not built under Part 20 of this Schedule (construction of new dwellinghouses).

E.2 does not apply as the dwellinghouse is not within —

- (a) an area of outstanding natural beauty;
- (b) the Broads;
- (c) a National Park; or
- (d) a World Heritage Site.

E.3 does not apply as the dwellinghouse is not located within article 2(3) land.

The proposed garage will be 5.56 metres in length and 2.896 metres in width. It will be of dual pitch construction with an eaves height of 2 metres and an overall height of 2.5 metres with a 15 degree pitch and will be suitably located to the rear of the property known as 9 The Reading Rooms, on land which is already used for offroad parking.

Conclusion

It has been adequately demonstrated that the proposed development comprising the erection of a detached garage meets the requirements and constitutes permitted development under Schedule 2, Part 1 Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

8.	Recommendation: Approval of Certificate of Lawfulness	
Case Officer: Demi Crawford		Date : 03/07/2024
Authorising Officer: N.J. Hayhurst		Date : 03/07/2024
Dedicated responses to:- N/A		