

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/25/2113/0E1
2.	Proposed Development:	APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED DOUBLE GARAGE
3.	Location:	SANDILAND, DRIGG ROAD, SEASCALE
4.	Parish:	Seascale
5.	Constraints:	ASC Adverts Safeguard Zone Coal - Off Coalfield Key Species - Potential areas for Natterjack Toads DEPZ Zone Outer Consultation Zone - Drigg 3KM Outer Consultation Zone - Sellafield 10KM PROWs - Public Right of Way
6.	Publicity Representations & Policy:	See report.
7.	Report: Site and Location The application site relates to, a detached residential dwelling located within Seascale. Proposal This application seeks a Lawful Development Certificate for a proposed development. As detailed by the application form, the proposal is for works to create a Double Garage to the rear elevation of the property at Sandiland. The proposed garage is to be accessed via an existing driveway. The front elevation of the proposed double garage is to face onto Wasdale Park road. This is to have 2no. steel 'up and over' garage doors. The side elevation near to the property is to contain 2no. uPVC windows and 1no. steel door. The rear elevation and the side elevation	

near to the boundary of the proposed garage is to be blank. The walls of the proposed garage are to be constructed from steel reinforced concrete panels and the roof is to be constructed from steel roof sheets. This is detailed in HEF form HEF/25/0029.

The proposed garage is to have a mono pitched roof which will slope from front to back reducing in height from 2.4m at the front to 2.1m at the rear elevation. The proposed garage would have depth of 7.39m and a width 5.61m.

The proposed garage is to be located to the rear of the dwellinghouse at Sandiland and would be situated 2m from the boundary to the rear of Sandiland with 68 Wasdale Park and 2m from the boundary to the side of Sandiland with Tarn Hows.

Relevant Planning 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 this instance, the Parish Council were consulted for information and had no objections to the proposals.

Despite this, 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.



Cumberland Council

Assessment

The provision of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) is applicable which relates to buildings etc 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 building incidental to the enjoyment of the 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) following construction of the proposed double garage, 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) no part of the proposed double garage would be situated on land forward of the front elevation of the original dwellinghouse;
- (d) the proposed double garage would not have more than a single storey;
- (e) the proposed double garage is to be located within 2m of a boundary and the height of the building would not exceed 2.5m;
- (f) the height of the eaves of the proposed double garage would not exceed 2.5m;
- (g) the proposed double garage is not to be located within the curtilage of a listed building;
- (h) the proposals do not include the construction or provision of a verandah, balcony or raised platform;
- (i) the proposal does not relate to a dwelling or microwave antenna;
- (j) the proposal is for a building;
- (k) the dwellinghouse at Sandiland has not been built under Part 20 of this Schedule (construction of new dwellinghouses).

In respect of the provisions of E.2, the proposed development is not located on land within

- a) an area of outstanding natural beauty;
- b) the Broads;
- c) a National Park; nor
- d) a World Heritage Site.

In respect of the provisions of E.3, the proposal is not located on article 2(3) land.

The proposed double garage is considered permitted development under Schedule 2, Part 1, Class E of the GPDO 2015. Therefore, the proposals are lawful.

	Conclusion It has been adequately demonstrated that the proposed development comprising the construction of a double garage at Sandiland, Drigg Road meets the requirements and constitutes permitted under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015.	
8.	Recommendation: Approval of Certificate of Lawfulness	
Case Officer: Elisabeth Turner		Date : 20/05/2025
Authorising Officer: N.J. Hayhurst		Date : 21/05/2025
Dedicated responses to:- N/A		