



**Report to:** South Cambridgeshire District Council      8 December 2021  
Planning Committee

**Lead Officer:** Joint Director of Planning and Economic Development

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**Application Number:** 21/03443/CL2PD

**Parish(es):** Oakington and Westwick

**Proposal:** Certificate of lawfulness under Section 192 for the construction of a home office in the rear garden of the property together with additional hard paving.

**Site address:** 9 Station Road, Oakington

**Applicant(s):** Cllr Thomas Bygott

**Recommendation:** Approval

**Key material considerations:** Lawfulness of development

**Committee Site Visit:** No

**Departure Application:** No

**Presenting Officer:** Alice Young, Senior Planner

**Application brought to Committee because:** Applicant is a Councillor

**Date by which decision due:** 20 September 2021

## **Executive Summary**

1. This is an application for a certificate of lawfulness under Section 192 of the Town and Country Planning Act 1990 for the construction of a home office in the rear garden of the property together with additional hard paving. This application seeks to demonstrate compliance with Schedule 2, Part 1, Class E and Class F of the Town and Country Planning General Permitted Development Order 2015 as amended.
2. No planning judgement is exercised with this type of application. The proposal and members' consideration should solely be concerned with the lawfulness of the proposed development and its compliance with the permitted development regulations.
3. After review of the site history and the proposal, officers conclude that the proposal is compliant with the provisions of Schedule 2, Part 1, Class E and Class F of the Town and Country Planning General Permitted Development Order 2015 as amended and that the development would constitute permitted development and that a lawful development certificate should be issued to this effect.

## **Site History**

4. S/0123/17/FL - Resubmission of application S/0454/11/FL to change the hipped roof design to a rear gable end roof design – Approved.
5. S/2397/14/NM– Non material amendment to application S/0454/11 (Extensions) to widen approved chimney and build it in brick.– Approved.
6. S/0454/11 – Extensions– Approved.
7. S/0116/11– Two-Storey Side & Rear Extensions– Refused.
8. S/1700/10– Extension. – Refused.
9. No planning application has removed permitted development rights for Schedule 2, Part 1, Class E (outbuildings).

## **National Legislation**

10. Town and Country Planning General Permitted Development Order 2015 as amended (amended in 2021)

## **Consultation**

11. **Oakington and Westwick Parish Council** – No comments received.

## Representations

12. No representations have been received.

## Planning Assessment

13. The proposal seeks confirmation by way of a certificate of lawfulness that the construction of a home office in the rear garden of the property together with additional hard paving would be permitted development and that express planning permission is not required. The proposed home office is shown as being sited in the rear garden of no.9 Station Road, measuring 10m in length, 4.3m in width and with a mono-pitch roof of 2.5m maximum height.
14. The following tables set out the permitted development parameters of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1, Classes E and F, which are applicable to the proposal and whether the proposal meets the requirements.
15. Class E (Buildings etc incidental to the enjoyment of a dwellinghouse)

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| (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);  | Not applicable   |
| 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 would not exceed 50% of the total area excluding the original dwelling.   |
| (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;  | Outbuilding would not be sited on land forward of a wall forming the principal elevation.  |
| (d) the building would have more than a single storey;   | The outbuilding would be single storey.  |
| (e) the height of the building, enclosure or container would exceed—<br>(i) 4 metres in the case of a building with a dual-pitched roof,<br>(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<br>(iii) 3 metres in any other case; | The outbuilding would be sited within 2m of the boundary and have an eaves height of 2.44m and a ridge height of 2.5m. Therefore the proposal conforms with part (ii). |

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| (f) the height of the eaves of the building would exceed 2.5 metres;  | The proposed outbuilding would have an eaves height of 2.44m and thus complies with part (f).  |
| (g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;   | Not applicable, the site does not contain a listed building.   |
| (h) it would include the construction or provision of a verandah, balcony or raised platform;   | Not applicable, no verandah, balcony or raised platform is proposed.   |
| (i) it relates to a dwelling or a microwave antenna; or   | Not applicable, no microwave antenna is proposed.  |
| (j) the capacity of the container would exceed 3,500 litres.; or  | Not applicable.  |
| (k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).   | Not applicable.  |
| E.2 In the case of any land within the curtilage of the dwellinghouse which is within—<br>(a) an area of outstanding natural beauty;<br>(b) the Broads;<br>(c) a National Park; or<br>(d) a World Heritage Site,<br>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. | Not applicable, the site does not fall within an Area of Outstanding Natural Beauty, the Broads, a National Park or a World Heritage Site. |
| E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land,<br>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.   | Not applicable, the site does not fall within the Conservation Area.   |
| 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 home office would be incidental to the enjoyment of the dwellinghouse.  |

16. Class F (Hard surfaces incidental to the enjoyment of a dwellinghouse)

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| Development is not permitted by Class F if—<br>(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); or   | Not applicable.  |
| (b) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).   | Not applicable.  |
| <p>Conditions</p> <p>F.2 Development is permitted by Class F subject to the condition that where—</p> <p>(a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and</p> <p>(b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,</p> <p>either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse</p> | The hard standing proposed would drain onto permeable lawns within the curtilage of the dwellinghouse. |

**Conclusion**

17. The proposed development complies with Schedule 2, Part 1, Class E and Class F of the Town and Country Planning (General Permitted Development) Order 2015 thereby falling within the scope of permitted development. It is therefore considered that the certificate of lawfulness should be granted in this instance.

**Background Papers**

None

**Appendices**

None

**Report Author:**

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