

Proposed outbuilding at: 1 Ramsden Farm, M24 1ZB



Planning Statement

July 2023

INTRODUCTION

This Planning Statement is to accompany a certificate of lawfulness application for a proposed single storey outbuilding within the curtilage of 1 Ramsden Farm.

The main features of the outbuilding are confirmed below:

- Hobby room and gym.
- Home office.

The outbuilding is located within the large rear garden, lying adjacent its rear boundary. The building is faced with brick and rendered walls.

THE SITE

Site Context

The application relates to no. 1 Ramsden Farm, located on a private road between Roundthorn Road and St. Dominics Way/Brookbank Close, Alkington.

The subject property is one of four detached dwellings approved under application ref: 16/01302/FUL and is located on the site's western boundary. Nos. 1 and 4 (at either end of the road) benefit from detached garages which are set forward of the houses and face inwards, perpendicular to the primary building line.

Located to the west of the dwelling lies nos. 42 to 52 St Dominics Way which form a collection of large detached and semi-detached two storey dwellings.

Beyond the rear of the plot lies open land while adjoining its front garden lies the private access road. Beyond this access road lies open land.

Existing Property

This application relates to a domestic detached property fronting a private access. The subject property is finished externally with facing brickwork (including a low plinth at the base), K-render in soft white, reconstituted stone heads and cills to window openings, anthracite colour interlocking roof tiles and black ash-effect UPVC windows.

The property also has a single storey detached garage.

Parking is provided on the hardstanding area to the front whilst private amenity space is provided to the rear.

THE PROPOSAL

The proposed works to no. 1 Ramsden Farm comprise a single-storey outbuilding, separate from the existing property. Its configuration includes a large open room which will accommodate a hobby room, a gym and an office. In addition, it will contain a small store room.



Address

11 Bankfield Lane
Rochdale, OL11 5RJ



Phone

(+44) 07811 278 517



Email &

paul@rrplanningconsultants.com
www.rrplanningconsultants.com

The principal elevation of the outbuilding faces back across the rear garden and towards the rear elevation of the house. This elevation contains bi-folding doors while a separate external door lies within the southwest facing side elevation.

The facing external materials used include brickwork with secondary rendered finishes. The internal room would be well lit through the bi-folding doors. The roof of the proposed outbuilding would be flat.

LEGISLATION AND GUIDANCE

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

Permitted development rights for householders – Technical Guidance (September 2019).

ASSESSMENT

Certain types of development can be built in England without the need for planning permission. This is the case when the development proposed complies with criteria laid down in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) – known as the GPDO. Under such circumstances it means that planning permission is automatically granted and it is not necessary to make a planning application for the development.

In this particular case the proposed outbuilding is subject to the criteria which forms part of Class E of Part of Schedule 2 of the GPDO. Class E confirms the following is permitted development:

- E. The provision within the curtilage of the dwellinghouse of —
 - (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure.

In terms of criteria a) the use of the outbuilding must be **incidental** to the main use of the house. In other words, the outbuilding should be secondary to the main house and should not provide primary living accommodation (such as a living room or bedroom). It is accepted that uses such as storage, a gym, an office and uses associated with a hobby are considered to be incidental to the main use of the house. It is also generally accepted that a gym can also include a shower room/toilet.

Case law arising from the judgment in *Emin v SSE & Mid Sussex DC* [1989] sets out the test to be applied as ‘...whether the uses of the proposed buildings, when considered in the context of the planning unit, are intended and will remain ancillary or subordinate to the main use of the property as a dwelling house’. In applying that test regard should be had to ‘...the uses to which it is proposed to put a building and to consider the nature and scale of the uses in the context of whether it is a purpose incidental to the enjoyment of the dwellinghouse’.



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It is held that the physical size of a building in comparison to the dwellinghouse might be an important consideration but was not by itself conclusive. It is necessary to identify the purposes and incidental quality in relation to the enjoyment of the dwelling.

As described elsewhere the outbuilding would contain a small office. The applicant is a successful business person and runs his own company with his wife. It is widely accepted that the COVID-19 pandemic has resulted in changing working patterns and in this case an increased portion of the applicants time being spent working from home. This working time is not supported well in the existing house given that there are two working adults with requirements for both space and equipment. As such the office function is necessary to support the applicants business and continued contribution to the local economy.

With regard to the gym the applicants are both very active people and as such require space for more intensive training for their various sporting achievements. The resistance training machines and cardio equipment in particular will enable the applicant to more easily maintain their fitness and health whilst also addressing the significant time requirements of their working lives.

The hobby room would accommodate both a table tennis table and a pool table. These are family hobbies that cannot be accommodated within the existing house. The applicant and their children often use these games to support their physical and mental health and need additional space to enhance this aspect of their lives together.

In addition to the active spaces, there are storage requirements necessary to support these functions. These will be used to store additional equipment and supplies including office supplies, additional furniture, gym equipment and games. The WC is a necessary ancillary function to improve the usability of the space.

In summary, the above information has clearly established that there is a genuine need for the uses within the outbuilding. As such, the uses can be considered to be reasonably required and their purpose are incidental to the enjoyment of the dwellinghouse.

Class E is also subject to a number of conditions which are required to be met. These conditions are stated below followed by confirmation that the proposed outbuilding complies with them.

- a) Permission to use the dwellinghouse as a dwelling has not been granted only by virtue of Class M,N,P or Q of Part 3 of the GPDO.

✓ Complies

- 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).

✓ Complies

- 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.

✓ Complies

- d) the building would have more than a single storey.

✓ Complies

- 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.

In this particular case the building lies within 2 metres of the boundary of the curtilage of the dwellinghouse and it is 2.5m high.

✓ Complies

- f) the height of the eaves of the building would exceed 2.5 metres.

✓ Complies

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

✓ Complies

- h) it would include the construction or provision of a veranda, balcony or raised platform.

✓ Complies

- i) it relates to a dwelling or a microwave antenna.

✓ Complies

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

✓ Complies

Paragraph E.2 of the order stipulates that development is permitted by Class E would not be permitted if any part of the curtilage of the dwellinghouse is within –

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

The site is not located within any of the above mentioned designations.

Paragraph E.3 further states 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 curtilage is not subject to article 2 (3) designation.

CONCLUSION

It has been clearly demonstrated that space for the home office, a small gym, and a hobby room are reasonably required in relation to the dwelling and as such their purpose are incidental to the enjoyment of the dwellinghouse. In addition, the building would comply with all the size and locational limitations to which Class E is subject.

The proposal constitutes permitted development by virtue of compliance with the requirements of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).