

**Proposed outbuilding at:
1 Ramsden Farm, M24 1ZB**



Planning Statement

May 2024

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 function of the outbuilding is confirmed below:

- A swimming pool

The outbuilding is located within the large side/rear garden, lying adjacent its boundary with no's 42-52 St. Dominics Way. The building is faced with brick and it contains a flat roof.

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 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 side & rear.

The property benefits from an approved certificate of lawfulness for a single storey outbuilding (23/00799/CPL). Its configuration includes a large open room which will accommodate a hobby room, a gym and an office.

An application (23/01341/HOUS) for a single storey annex was recently refused by the Local Planning Authority. An appeal against this decision has been made: Ref: APP/P4225/D/24/3342753.

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 swimming pool. In addition, it will contain a small WC and changing room, a storage room and a sauna.

The principal elevation of the outbuilding faces across the rear garden. This elevation contains bi-folding doors which would allow easy access from the garden.

The roof of the proposed outbuilding would be flat while the facing material would be brick.

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 swimming pools are considered to be incidental to the main use of the house. It is also generally accepted that a swimming pool can also include a shower room/toilet and other complementary features such as a pump room.



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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'.

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.

In this instance, the original dwelling is a substantial structure set within an extensive curtilage. The uses within the proposed building, a swimming pool, sauna, toilet and a plant room would all normally be considered to be incidental to the enjoyment of a dwellinghouse. In this context, it is therefore considered that the overall size of the structure and its proposed use as a swimming pool is considered to be incidental to the enjoyment of the dwellinghouse. In addition, it is worth noting that the applicant and his partner are both very active people and as such require space for a modest sized swimming pool. The use of the swimming pool will enable the applicant to easily maintain their fitness and health whilst also addressing the significant time requirements of their working lives.

As stated above, the building would accommodate pump room, a toilet, a storage room and a sauna. All of these functions are housed in small rooms and are obviously necessary to support the use of the swimming pool.

In summary, the above information has clearly established that there is a genuine need for the proposed swimming pool. As such, the use 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.

It is noted that if the appeal (APP/P4225/D/24/3342753) for the annex is allowed the total ground covered by it, the approved gym room and the proposed swimming would be less than 50% of the total area of the curtilage.

- 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 the proposed swimming pool is reasonably required in relation to the dwelling and as such its purpose is incidental to the enjoyment of it. 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).