

APPLICATION NUMBER: 23/01257/CPL

Application Number:	23/01257/CPL
Location:	Longley Hey Farm Halifax Road Littleborough OL15 0LB
Proposal:	Application for a certificate of lawfulness for the proposed conversion of existing outbuilding in garden curtilage to for additional ancillary residential accommodation in association with main use of Longley Hey Farmhouse as a dwelling
Applicant:	Michael and Kelly Slicker
Case Officer:	Rachel Carney
DETERMINATION DATE 15.01.2024	EXT OF TIME N/A
RECOMMENDATION:	Refuse

Location

The application relates to Longley Hey Farm, a detached dwelling that is located off an unadopted highway that is accessed via Halifax Road. The property has recently been damaged by fire and is currently uninhabitable. To the north of the dwelling there is an existing outbuilding, the subject of this application.

The application has been submitted with a large red line boundary that includes a field to the north of the dwelling. The applicant has been advised that the Council does not consider this field to comprise part of the residential curtilage and they have been requested to reduce the red line. This request has been refused.

Description of Proposal

The application seeks a certificate of lawfulness for the conversion of an existing outbuilding, identified as a barn on the submitted plans, for use as additional ancillary residential accommodation in association with the main dwelling house, Longley Hey Farm.

It is proposed that the building be converted internally from one large open space into 2 no. offices, a home gym, storage room and WC.

Externally the buildings fenestration is to alter. All existing fenestration is to be removed and new windows and doors are proposed to the four elevations. It is also proposed that the building be externally faced in stone and timber cladding.

Is the proposal wholly within the curtilage of the dwellinghouse?	Yes
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Relevant History

22/00629/CPL – Application for a certificate of lawfulness for a proposed single storey rear extension – Refused

Permitted Development Rights removed?	No
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Representations

In accordance with the Council's code for publicity for this type of application, no letters of notification have been issued.

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

Assessment (Class E)

Class E of Part 1 of Schedule 2 of the GPDO allows for the provision within the curtilage of the dwelling house 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;
 - or;
 - b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.
- (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**

☒ **Does Not Comply**

Insufficient evidence has been submitted with the application to demonstrate that the existing building, identified as a barn on the submitted plans, is used for purposes incidental to the enjoyment of the dwellinghouse. The identification as "barn" indicates an agricultural use and historic aerial photographs also indicate an agricultural use, with aerial photographs from 2000 clearly showing the storage of hay bales immediately adjacent the barn. Class E only permits alterations to buildings that are already incidental to the enjoyment of the dwellinghouse and does not permit the change of use of a building.

(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**

☐ **Does Not Comply**

(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**

☐ **Does Not Comply**

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

☒ **Complies**

☐ **Does Not Comply**

(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.

☐ **Complies**

☒ **Does Not Comply**

The mono-pitch roof would have a minimum height of approximately 3.8m and a maximum height of approximately 4.7m.

(f) the height of the eaves of the building would exceed 2.5 metres;

☐ **Complies**

☒ **Does Not Comply**

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

☒ **Complies**

☐ **Does Not Comply**

(h) it would include the construction or provision of a verandah, balcony or raised platform

☒ **Complies**

☐ **Does Not Comply**

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

☒ **Complies**

☐ **Does Not Comply**

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

☒ **Complies**

☐ **Does Not Comply**

Paragraph **E.2** of the above 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 Site

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.

☒ **Complies**

☐ **Does Not Comply**

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

☒ **Complies**

☐ **Does Not Comply**

Recommendation: REFUSE

Insufficient evidence has been submitted with the application to demonstrate that the existing building is used for purposes incidental to the enjoyment of the dwellinghouse. The proposal would also not constitute 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) as the building would be set within 2 metres of the boundary of the curtilage and exceed 2.5 metres. The height of the monopitch roof would also exceed 3 metres.

Notes for applicant:

For the avoidance of doubt, the decision relates to the following drawings:-

Location Plan

Existing Site Plan – Drawing no. 1102

Existing Floor Plan and Elevations – Drawing no. 1103

Proposed Site Plan – Drawing no. 1104

Proposed Floor Plan and Elevations – Drawing no. 1105

Notwithstanding the red line identified on the submitted location plan, you are advised that the Council do not consider the field to the north of the property to be part of the dwellings residential curtilage and it is considered that the residential curtilage does not extend beyond the red line identified on the submitted Proposed Site Plan, drawing no. 1104.

	Date	Officer
Report Completed	07/03/2024	Signed: RC
Authorisation	12/03/2024	Signed: LA

Report Author Rachel Carney