

Application Number:	24/01183/CPL
Location:	Ashworth Moor House, Ashworth Road, Rochdale, OL11 5UN
Proposal:	Certificate of Lawfulness for a proposed external storage unit / garage
Applicant:	Mr Christopher Brogan
Case Officer:	Nick Brookman
Recommendation:	Grant

Location

The application relates to Ashworth Moor House which is a large detached dwelling located to the south of Edenfield Road (A680) off Ashworth Road. The dwelling benefits from a large driveway, gated access and an extensive residential curtilage and garden surrounding the entire dwelling.

Description of Proposal

A certificate of lawfulness is sought for a single-storey storage building / garage. The building is proposed to be 6.3m wide and 10m long with an eaves height of 2.45m and a pitched roof height of 3.989m.

On review of drawing no 23.3250.7, the outbuilding appears to be constructed of stone and slate and the outbuilding would comprise a large garage door to the front, a pedestrian door to the rear and three windows on each side elevation.

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

None relevant.

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 (Class E)

Class E of Part 1 of Schedule 2 of the GPDO allows for 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; or
- (b) A container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

Development is not permitted by Class E if:

- (a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use)

☒ **Complies**

☐ **Does Not Comply**

- (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**

The proposed building is sited to the rear.

- (d) The building would have more than a single storey;

☒ **Complies**

☐ **Does Not Comply**

The building is single storey.

- (e) The height of the building, enclosure or container would exceed:

- (i) 4m in the case of a building with a dual-pitched roof,
- (ii) 2.5m in the case of a building, enclosure or container within 2m of the boundary of the curtilage of the dwellinghouse, or

(iii) 3m in any other case.

☒ **Complies**

☐ **Does Not Comply**

The building is 3.989m in height with a dual pitched roof.

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

☒ **Complies**

☐ **Does Not Comply**

The height of the eaves of the building is 2.45m.

(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**

(k) The dwellinghouse is building under Part 20 of this Schedule (construction of new dwellinghouses).

☒ **Complies**

☐ **Does Not Comply**

E.2 In the case of any land within the curtilage of the dwellinghouse which is within:

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

(d) a World Heritage Site.

Development is not permitted by Class E if the total area of ground covered by buildings, enclosure, pools and containers situated more than 20m from any wall of the dwellinghouse would exceed 10 square metres.

E.3 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.

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.

Recommendation:

There is no evidence to suggest that permitted development rights have been removed. The proposed building to be used as a garage is for a purpose incidental to the enjoyment of the dwellinghouse.

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).

Notes for applicant:

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

- Location Plan
- Proposed Site Plan Drawing No 23.3250.10
- Proposed Elevations and Floor Plan Drawing No 23.3250.7

	Date	Officer
Report Completed	07/01/2025	Signed: N Brookman
Authorisation	09/01/2025	Signed: L Ashworth

Report Author Nick Brookman