

**REPORT FROM: ASSISTANT DIRECTOR PLANNING, BUILDING CONTROL
AND REGULATORY SERVICES**

TO: BARROWFORD AND WESTERN PARISHES COMMITTEE

DATE: 8TH MAY 2024

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 8TH MAY 2024

Application Ref: 24/0097/VAR

Proposal: Variation of Condition: Vary Condition 2 (Plans), Condition 9 (Materials) and Condition 14 (Landscaping Scheme) of Planning Permission 21/0758/FUL.

Address: Land to the North West of Parrock Road, Barrowford

On behalf of: Mr Mohammad

Date Registered: 20/02/2024

Expiry Date: 16/04/2024

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to an application which has previously been approved and at the time of the site visit was under construction. The original application was for the erection of two dwellings.

The application seeks to vary an existing approval in the following ways:

- Approved plans
- Proposed materials
- Landscaping scheme

Relevant Planning History

18/0373/FUL: Full: Erection of a single two-storey dwelling house with detached garage and associated curtilage.

Approved with conditions

21/0442/CND: Approval of Details Reserved by Condition: Discharge of Condition 4 (Drainage Strategy & SUDS Assessment), Condition 6 (Code of Construction Practice Document) and Condition 14 (Landscaping) of Planning Permission 18/0373/FUL.

Conditions Discharged

21/0514/CND: Approval of Details Reserved by Condition: Discharge of Condition 3 (Contamination), Condition 9 (Materials), Condition 15 (Tree Protection) of Planning Permission 18/0373/FUL

Split Decision

21/0758/FUL: Full: Erection of two detached dwellinghouses.

Approved with conditions

22/0446/CND: Approval of Details Reserved by Condition: Discharge of Conditions 3 (Investigation and Remediation of Contamination), 4 (Foul & Surface Water), 5 (Visibility Splay kept clear), 6 (Construction Method Statement), 9 (Material Samples), 14 (Landscaping), 15 (Tree Protective Fencing) and 17 (Tree clearance schedule) of Planning Permission 21/0758/FUL.

Conditions Partially Discharged

Consultee Response

LCC Highways

No objection

Barrowford Parish Council

12th March 2024

This application deals with changing approved drawings to two distinct areas of the approved planning permission.

1. The building and relates to both internal layout and external aspects.
2. Landscaping Scheme.

The Parish Council will address these aspects individually.

1a. The Council has no objections to the proposed alterations in layout of the individual floorplans.

1b. The Council strongly Objects to the proposed amendments to the window and door openings which show the removal of both jambs and lintels to be replaced with basic openings in the wall. Due to the number of openings to all elevations and the size and massing of the development the removal of the jambs and lintels will adversely affect the overall aesthetic appearance of the elevations and significantly affect the setting and amenity of the Carr Road and Wheatley Lane Conservation Area. The Parish Council supported this application as it was consistent with the aspirations of the Conservation Area in both design and materials. Barrowford would have been unlikely to support the original application in the proposed form. Once again, a developer portrays a high-quality design to gain planning permission and then downgrades the quality of design through minor amendments or variation of conditions to reduce costs.

2 The Council has no objections to the minor amendments to the hard surfaces and flower beds and would not object to changes to the tree planting scheme if the amendments were acceptable to Mr. R. Jones Tree Officer at Pendle.

21st March 2024

No Objection to change of roofing materials The Council has responded to the vast majority of this application in its response sent 11/03/24 but a further change of roofing materials has been submitted necessitating a further public consultation.

The additional change relates to materials the proposed roofing materials are blue natural slate but the documents do not seem to contain details of previously approved materials.

Environment Officer (Trees)

The proposed landscaping scheme is in accordance with the relevant PBC Policies: ENV1, as well as being in full conformity with the wider NPPF.

There are proposals for the planting of 43 trees across the site with mostly native planting along with other typical species for this type of development. Add in the vast amount of native hedging proposed for planting around the periphery of the site and overall, the scheme will add a positive enhancement to the immediate environment.

The scheme also includes important scheduling details as well as information relating to maintenance and management so the planting can become fully established.

If you are minded to approve the proposals, please can you add that any planting material that fails over the 5 year period will be replaced like for like.

Public Response

Nearest neighbours notified by post, a site & press notice have been displayed. Three objections have been received from members of the public including the following:

- Disappointed that the owner has decided not to build the high quality design they had approval for
- The landscaping will remove 30% of the proposed planting
- The variation will affect the impact upon the Conservation Area
- Residents are suffering from drainage issues due to changing the land levels from a spring at Noggarth. Clay is dispersed into the duck pond
- The clay will not be suitable for the proposed tree planting
- The developer is going to increase the height of the land by a further foot because there is soil piled in the site waiting to be used for the tree planting
- The design changes are not in keeping with the Conservation Area
- The materials are not appropriate to the Conservation Area
- They should have been stopped from building this but their actions have gone unchecked by the Council
- The finished floor levels are wrong and the dwelling sits 1.5m higher than what it is supposed to
- Wooden windows would be more in keeping
- The new door and stairs are not acceptable
- This work has already been done before any application has been considered
- Glass balustrades are not in keeping with the area

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 (Achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV4 (Promoting Sustainable Travel) seeks to reduce the need to travel by ensuring proposed development is proposed in appropriate locations. Proposals should consider the impact upon the highway network and highway safety.

Replacement Pendle Local Plan

Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and developments, setting out the requirements for good design and protecting residential amenity.

The Conservation Area Design and Development Guidance SPD sets out that new development should use good quality and predominantly natural building materials, be well detailed, and respect local architectural detailing and styles.

Barrowford Neighbourhood Plan

BNDP01: New Housing in Barrowford, sets out that proposals which are acceptable in principle must accord with the Core Strategy and NPPF as well as being of a design which does not have an unacceptable impact upon residential amenity, does not lead to over-development of the plot and are appropriate in terms of the local surrounding context.

Principle of Development

The principle of development has already been approved in the planning history. As such, the main consideration here is the design and landscaping proposals. It would not result in a fundamental alteration to that which has previously been approved in that the development is still for residential development. As such, the principle of development remains acceptable, subject to accordance with design and amenity policies.

Design, Heritage & Landscaping

The proposed development involves alterations to some of the windows due to the solar gain requirements which are subject to Part L Building Regulations. Since the application was originally approved, there have been major changes to the Building Regulations including thermal heating from large expanses of glazing. The rear elevation has fourteen windows to the ground floor flat roof outrigger. The size of these windows has had to be altered to accommodate the new requirements for Building Regulations. There are to be stone pillars in between each of the fourteen windows to the rear elevation.

To the front elevation and side elevations the window openings are to remain the same size as has previously been approved. The material for the windows is aluminium and this has previously been approved as part of the discharge of conditions on the original planning application. It is acknowledged that there are less vertical stone features separating the windows to the front elevation but the openings themselves are not to be altered in size. A reduction in the overall number of mullions would not result in a detrimental impact upon the overall building because there are still to be vertical emphasis glazing bars between each of the window panes. As such, the windows to the front elevation would retain their vertical emphasis in accordance with the Design Principles SPD and the Conservation Area Design & Development SPD.

The submitted plans indicate a change to the roof material. Rather than a Yorkstone roof tile which has previously been approved the applicant now intends to cover the roof with a slate known as Siga natural roof slates. The reason for this request to amend the approved plans is due to the roof pitch to the front facing gable being 35 degrees. The structural engineer for the project has advised that it would not be possible to hang the approved roof material at such an angle and the amendment to Siga slate is requested. In terms of appearance, form, texture and the overall pattern which the roof material is to be laid out in there would be no discernible impact upon the Conservation Area to that which has previously been approved.

Although comments have been received from members of the public that the amendments to the landscaping scheme would result in degrading the site and a reduction in planting by 30% the Council's Environment Officer has advised that the proposal would still meet the requirements of Policy ENV1 of the Local Plan: Part 1 Core Strategy. The amended scheme would still provide a good mix of native planting and would provide a large number of trees and other native planting.

As such, the proposed development accords with Policies ENV1 and ENV2 of the Local Plan Part 1: Core Strategy, the Conservation Area Design & Development SPD and Design Principles SPD.

Residential Amenity

The proposed alterations to the design of the building would not have any different impact upon neighbouring amenity to that which has previously been approved.

The proposed development accords with Policy ENV2 of the Local Plan: Part 1 Core Strategy in this regard.

Drainage

There would be no change to the proposed drainage as a result of the changes to the design.

Highways

The proposed development is acceptable in terms of highways.

Other Matters

Concerns have been raised about the overall height of the land and the levels involved in constructing this development. This query has been investigated by the Enforcement Officer and is the subject of a separate case. However, for the purpose of the variation application which is currently before the Council for determination there is no indication that levels have been altered away from that which has previously been approved.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from 17th February 2022.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: A007_P_001, A007_P_003A, A007_P_100A, A007_P_101, A007_P_102, A007_P_103, A007_P_104, A007_P_201, A007_P_300 & A007_P_301.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The development shall be carried out in strict accordance with the detailed method statement which sets out the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site, which was approved as part of application 22/0446/CND.

Details of a comprehensive remediation scheme which included an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) have been agreed under application 22/0446/CND.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority. which was approved as part of application 22/0446/CND.

Prior to occupation of the development hereby approved, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes:

(i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.

(ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.

(iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

Reason: In order to protect the health of the occupants of the new development and/or in order to prevent contamination of the controlled waters.

4. The foul and surface water drainage shall be carried out in strict accordance with the details agreed under application 22/0446/CND.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run off and to reduce the risk of flooding.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 0.9m above road level. The visibility splays at both accesses to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed site access road from the continuation of the nearer edge of the carriageway of the unnamed lane leading from Parrock Road to points measured 11m in each direction along the nearer edge of the carriageway of the unnamed lane, and shall be constructed and maintained at verge level in accordance with a scheme to be agreed by the Local Planning Authority.

Reason: In order to ensure satisfactory visibility splays are provided in the interests of highway safety.

6. The development hereby approved shall be carried out in strict accordance with the Construction Code-of-Practice which has been approved under application 22/0446/CND.

Reason: To ensure that adequate measures are in place to protect the environment during the construction phases.

7. Before the access is used for vehicular purposes, the access and manoeuvring area shall be appropriately paved in bound porous material.

Reason: To prevent loose surface material from being carried on to the adjacent highway thus causing a potential source of danger to other road users.

8. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

Reason: Vehicles reversing to and from the highway are a hazard to other road users.

9. The external facing materials shall be carried out in strict accordance with the details in the material schedule dated 15th March 2024 and the plans referenced: A007_H(00)06 and A007_G(00)07 and there shall be no variation from the approved materials without the prior written consent of the Local Planning Authority.

Reason: To ensure a satisfactory form of development in the open countryside.

10. Windows and doors shall be set back from the external face of the walls of the units by at least 75mm in depth.

Reason: To ensure a satisfactory form of development.

11. Notwithstanding the submitted plans the windows and doors shall be of aluminium construction in accordance with the Material Schedule dated 15th March 2024.

Reason: To ensure a satisfactory form of development in this location.

- 12.** Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the second schedule of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D, E and F of Part 1 and Class B of Part 2 of Schedule 2 of that Order shall be carried out and Class A of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: In order to enable the Local Planning Authority to control any future development on the site, in order to safeguard the character and visual amenity of the conservation area and restrict any potential impact on protected trees.

- 13.** The car parking and turning areas shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted is occupied.

Reason: To allow for the effective use of the parking areas.

- 14.** The development hereby permitted shall be carried out in strict accordance with drawing numbers 1016-ASRI-XX-XX-DR-L-2000 Rev 01 (Tree and Hedge Planting Plan sheet 1 of 2), 1016-ASRI-XX-XX-DR-L-2000 Rev 01 (Tree and Hedge Planting Plan sheet 2 of 2), Tree Protection Plan 1016-ASRI-XX-XX-DR-L-0007 Rev 01 and Trees to be Retained, Removed and Proposed 1016-ASRI-XX-XX-DR-L-0008 Rev 01.

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings

- 15.** All works are to be carried out in strict accordance with the Tree Protection Plans approved under application reference 22/0446/CND.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

- 16.** The recommendations for biodiversity enhancement outlined in the Preliminary Ecological Appraisal compiled by Pennine ecological Dated August 2021 shall be carried out in accordance with the mitigation measures proposed prior to first occupation of any dwelling on the site.

Reason: To ensure adequate provision of habitats in the interests of biodiversity on the site.

- 17.** The development hereby approved shall be carried out in strict accordance with the tree clearance, removal and protection plans previously approved under 22/0446/CND.

Reason: To ensure that existing vegetation remains on the site in the interests of protecting habitats and biodiversity.

18. Before each dwelling unit is occupied waste containers shall be provided within the curtilage.

Reason: To ensure adequate provision for the storage and disposal of waste.

19. Before each dwelling unit is occupied electric vehicle charging points shall be provided with the curtilage.

Reason: To provide for sustainable modes of transport

Application Ref: 24/0097/VAR

Proposal: Variation of Condition: Vary Condition 2 (Plans), Condition 9 (Materials) and Condition 14 (Landscaping Scheme) of Planning Permission 21/0758/FUL.

Address: Land to the North West of Parrock Road, Barrowford

On behalf of: Mr Mohammad

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 8TH MAY 2024

Application Ref: 24/0173/CEA

Proposal: Certificate of Lawful Use (S.192 Proposed Development): Erection of an outbuilding which includes a indoor swimming pool, associated plant room, changing room and garage and the extension of the existing driveway.

At: Hollin Hall Farm, 517 Gisburn Road, Blacko

On Behalf of: Mr Daniel Hall

Date Registered: 11/03/2024

Expiry Date: 06/05/2024

Case Officer: Laura Barnes

Site Description and Proposal

The application site is an existing dwelling on Gisburn Road. There has been a previous application for a Certificate of Lawful Development (Existing) confirming that the area now submitted as the red edge for the current application is lawfully residential garden land.

This proposal seeks to gain a Certificate of Lawfulness (Section 192 – Proposed Development) for the erection of an outbuilding in the rear garden to accommodate an indoor swimming pool. The building is also to provide a domestic garage with a roller shutter door.

Planning History

22/0747/CEU: Certificate of Lawfulness (S. 191 existing use): Existing use of land as garden and domestic curtilage and erection of a greenhouse.

Certificate Issued

Consultee Comments

Blacko Parish Council

I was asked at the last Parish Council meeting to write to you with regards to the Parish Council's concerns over the above proposed "Certificate of Lawful Use (S.192 Proposed Development): Erection of an outbuilding which includes a indoor swimming pool, associated plant room, changing room and garage and the extension of the existing driveway." The following are our concerns:

1. The land being used, was classed as agricultural land, and the Parish Council, requested on a number of occasions that Pendle should enforce the fact that this agricultural land was being used as extra garden area – this was failed to be enforced, and after a number of years a Certificate of Lawfulness was granted on the extra curtilage to be used as garden area, it is this area that is now being proposed for development.
2. The size of the proposed building of the swimming pool together with the extensive engineering works to create an access to it, would seem to constitute the development of more than 50% of the

garden area and as a result we do not believe that this is a permitted development. A previous application for development was lost at appeal as the buildings would be visible from the footpath.

3. The Ridge height and Eaves height would probably bring it over the 5meter height. The properties on Gisburn Road will suffer from Noise from the plant room as this is situated nearer to their houses than to the property Hollin Hall.

4. The proposed “soak away” appears to drain into the field below the pool, if this was the case, this could be environmentally damaging releasing treated/chlorinated water into the land nearby & water courses, potentially damaging water quality and negatively affecting wildlife, fish, insects and animals.

Public Comments

Three letters from members of the public have been received, objecting to the Certificate. The objections can be summarised as follows:

- Size of the building and proximity to 515 Gisburn Road
- Views of the building from Public Rights of Way
- Detrimental to character
- Outside settlement boundary
- The garden has been used lawfully for little over 12 months
- Dimensions inaccurate, in relation to eaves and ridge heights
- Noise and odour pollution
- Location of new building
- Will this become an ancillary dwelling?
- Disturbance of neighbours till all hours with large bi-folding doors
- The building is larger than the main dwelling house

Officer Comments

The consideration in determining this Lawful Development Certificate is whether the proposed outbuilding falls within the limits of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

Assessment

A planning history search confirms there is no evidence to show that permitted development rights have been removed, by condition. The land can lawfully be used as garden land, in connection with the Certificate of Lawfulness which confirmed this under application reference 22/0747/CEU.

Taking each element of the regulations in turn, the application will now be discussed.

Class E - 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; or

(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

It has been established that this land can lawfully be used for garden, in association with the main dwelling, under application 22/0747/CEU which confirmed the Certificate of Lawfulness. The current application site has the same red edge. The proposed garage and indoor swimming pool

would be used in connection with the main dwelling for purposes incidental to the enjoyment of the dwelling. The application fulfils this criteria.

E.1 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 M, N, P or Q of Part 3 of this Schedule (changes of use);

The dwellinghouse and land has not been granted permission by virtue of Class M, N, P or Q of Part 3 of the GPDO.

(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 total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) does not exceed 50% of the total area of the curtilage. The applicant has provided calculations indicating that the area determined as garden under the Certificate (22/0747/CEU) is 1,646 sqm. The proposed building and hard surfacing associated with the drive extension is to cover a total area of 300 sqm. As such, it is within the 50% required by this criteria.

(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;

The proposed building is to be to the rear of the main dwelling.

(d) the building would have more than one storey;

The proposed Outbuilding is to be single storey in height.

(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;

It is acknowledged that the building requires some excavation in order to create a level platform upon which to site the building. As such, the natural ground levels are to change as part of the proposed development. However, the height of the building is to be measured from the highest natural ground level where the site is sloping. Therefore, in this case the height above the natural ground level would be 4m and fulfils this criteria.

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

Again, the height of the eaves does not exceed 2.5m above the natural ground level. Therefore the proposed building fulfils this criteria.

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

The proposed building is not within the curtilage of a listed building.

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

The proposed building does not include the construction or provision of a veranda, balcony or raised platform.

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

The building does not relate to a dwelling or a microwave antenna

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

The building is not a container

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, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

The dwellinghouse is not within any of the areas listed

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.

The dwellinghouse is not within article 2(3) land

Other Matters

Members of the public have written to the Council expressing concerns about issues such as noise, air and water pollution. However, the General Permitted Development Order does not allow the Local Planning Authority to make a determination in relation to these matters. The question for this application is whether or not it meets the criteria set out in the regulations.

Reason for Decision

On the balance of probability, the proposed outbuilding and associated works does accord with the limits and conditions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 and therefore would be permitted development. This certificate should therefore be granted.

RECOMMENDATION: Grant lawful development certificate

Application Ref: 24/0173/CEA

Proposal: Certificate of Lawful Use (S.192 Proposed Development): Erection of an outbuilding which includes a indoor swimming pool, associated plant room, changing room and garage and the extension of the existing driveway.

At: Hollin Hall Farm, 517 Gisburn Road, Blacko

On Behalf of: Mr Daniel Hall