

**WELWYN HATFIELD BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT  
DELEGATED REPORT**

<b>APPLICATION No:</b>	<b>S6/2013/1451/FP</b>
<b>APPLICATION Site:</b>	<b>Wells Farm House, Northaw Road East, Cuffley</b>

**NOTATION:**

The application site is on the outskirts of Cuffley. It is within the Green Belt in accordance with Policy GBSP1 as designated in the Welwyn Hatfield District Plan 2005.

**DESCRIPTION OF SITE:**

Wells farm House is a large, detached, red brick dwelling located to the south of the settlement of Cuffley and on the north side of Northaw Road East. In the vicinity of the dwelling is Wells Farm Cottage (closer to the main road) and buildings associated with the farm. Otherwise the dwelling is surrounded by open countryside.

**DESCRIPTION OF PROPOSAL:**

This application seeks a Lawful Development Certificate for the erection of a detached garage/play room and an extension to the existing driveway to form an access to the building.

**PLANNING HISTORY:**

S6/2011/1624/LUP - Certificate of lawfulness for proposed erection of detached garage/playroom and extension to existing driveway to form access to building  
A(G) 22/09/2011

S6/2007/1796/FP – Change of use of redundant former farm building to storage and distribution (Class B8)  
A(G) 21/01/2008

S6/2000/0503/FP – Erection of double garage  
R 30/05/2000

S6/1994/0513/LU - Certificate of lawfulness, occupation of dwelling house without compliance with condition 4 of planning permission S6/0004/78.(occupation of house restricted to horticultural worker)  
A(G) 26/09/1994

S6/1991/0917/FP - Change of use of land and buildings to nursery garden centre  
R 09/07/1992

S6/1980/0761/ - Double garage  
R 22/01/1981

S6/1977/0170/ - Two storey building to include shop, offices and flat  
R 16/06/1977

S6/1975/0605/ - New stable block comprising 4 loose boxes, hay store, feed and tack room  
A(G) 21/11/1975

S6/1975/0158/ - Site for replacement house, re-erection of existing barns and chicken houses, new barn and stables  
R 16/06/1975

**SUMMARY OF POLICIES:**

Not applicable

**CONSULTATIONS:**

Not applicable

**TOWN/PARISH COUNCIL COMMENTS:**

Not applicable

**REPRESENTATIONS:**

Not applicable

**DISCUSSION:**

The main considerations of this application are:

1. Whether the proposed development is lawful

**Detached garage/play room**

Class E of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 relates to the provision within the curtilage of a 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.

Class E **does not permit** development if:

(a) 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);

*In this case, the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).*

(b) 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;

*In this case, the principal elevation of the original dwellinghouse is staggered. No part of the proposed building would be situated on land forward of the most forward wall of the principal elevation of the original dwellinghouse.*

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

*In this case, the proposed building would be single storey in height.*

(d) 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 case, the proposed building would not be located within 2 metres of the boundary of the curtilage of the dwellinghouse. It would be L-shaped and each separate element would have a dual pitched roof which would measure no more than 4 metres high.*

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

*In this case, the height of the eaves would not exceed 2.5 metres.*

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

*In this case, the proposed building would not be situated within the curtilage of a listed building.*

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

*In this case, the proposal does not include the provision of a veranda, balcony or raised platform.*

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

*In this case, the proposal does not relate to a dwelling or a microwave antenna.*

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

*This part of the legislation is irrelevant in this case.*

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

(a) a World Heritage Site,

(b) a National Park,

(c) an area of outstanding natural beauty, or

(d) the Broads,

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 application site is not within any of the areas references in parts (a) to (d) above.*

E.3. In the case of any land within the curtilage of the dwellinghouse which is article 1(5) 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 application site is not on land which is article 1(5) land.*

### **Extension to the existing driveway to form an access to the new building**

Class F of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 relates to:

(a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such; or

(b) the replacement in whole or in part of such a surface.

Development is permitted by Class F subject to the condition that where—

(a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and

(b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,

either the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

*In this case, the hardsurfacing is surrounded by soft landscaping and thus run-off water would be channelled to a porous surface.*

**CONCLUSION:**

As detailed in this report, all the proposals would constitute permitted development in accordance with Classes E and F of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and therefore formal planning permission would not be required. It is recommended that a Lawful Development Certificate can be issued.

**RECOMMENDATION: APPROVED**

The proposed development complies with Classes E and F of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

**APPROVED DRAWING NUMBERS:**

01/122/13 & 02/122/13 & 03/122/13 & 04/122/13

**Signature of author..... Date.....**