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Our Ref: 190557/ADJ

Your Ref: P19/S1006/LDP

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25 April 2019

Your contact is: **Connie Davis, Planning**

Dear Ms Phillpotts,

Consultation on your application no: P19/S1006/LDP
Application type: Adjacent Authority Consultation

Address: 31 Highdown Avenue, Emmer Green, RG4 8QT

Proposal: Certificate of Lawfulness for proposed mobile home within the curtilage of dwelling to be used for residential purposes

Applicant: Mrs Sarah Hannibal

I refer to the consultation of the above application which was received on **3 April 2019**

Please see below for the Council's comments on this application:

It is not considered that the proposed development qualifies as permitted development under Class E of the General Permitted Development Order (2015).

The proposed development is to serve as a self-sufficient residential unit. It is considered that the proposal would be an ancillary development, as opposed to one that is 'incidental' to the main dwelling. Class E of the GDPO states that developments must be 'incidental' to the main dwelling to qualify as permitted development. It is understood that 'incidental' refers to occurring together with something else (in this case the main dwelling house) as opposed to being separate.

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This case is similar to that of 1987 J.P.L. 144 where the Secretary of State rejected the argument that a granny annex, which was separate from the dwelling, would fall within Class E of the GDPO.

It is recommended that the application for a certificate of lawfulness for this proposed development is refused based on the reason that the mobile home would not be incidental to the main house, but rather would be ancillary. Therefore full planning permission should be applied for in order to proceed with this development.

This view is also supported by the Council's Legal Department.

Yours sincerely,

Connie Davis

Planning Officer

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