

CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OFFICER REPORT

Ward: Park

App Ref: PL/25/0222

Address: 117 Cumberland Road, Reading, RG1 3JY

Proposal: Certificate of lawfulness for the proposed erection of an outbuilding

Case Officer: Louise Coveney- Fuller

Applicant: Mr Naeem Khan

Target Decision date: 11/04/2025

Proposal

A Certificate of Lawfulness for a proposed outbuilding has been submitted as the applicant considers that the proposed work falls within the parameters of Schedule 1 Class E of the GPDO order 2015 (as amended) and is therefore permitted development.

Relevant Planning History

None

Relevant Planning Policy and Guidance

National Planning Practice Guidance

The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)

Permitted development rights for householders - Technical Guidance September 2019

Case Officer Assessment

A Certificate of Lawfulness for a proposed development has been submitted as the applicant considers the proposal falls within the permitted development rights of the property.

The proposed outbuilding must be assessed to ensure that it complies with the conditions of Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, which relates to the 'buildings etc incidental to the enjoyment of a dwellinghouse'.

The relevant conditions of the GPDO for an outbuilding, which is not listed or in a conservation area, are as follows:

Class E

Class E - buildings etc

This provides permitted development rights within the curtilage of a house for:

(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.

Date: 28/03/2025

Under Class E, the following limits and conditions apply:

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, PA or Q of Part 3 of this Schedule (change of use) - **complies**

(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**

(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**

(d) the building would have more than a single storey Any buildings within the curtilage can only have one storey. - **complies**

(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 - **complies**

(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-**complies**

(iii) 3 metres in any other case- **n/a**

(f) the height of the eaves of the building would exceed 2.5 metres- **complies**

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

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

(i) it relates to a dwelling or a microwave antenna Class E covers buildings that are for a purpose incidental to a house. - **n/a**

(j) the capacity of the container would exceed 3,500 litres.- **n/a**

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

(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.- **n/a**

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 . - **n/a**

Interpretation of Class E 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 of the curtilage of the dwellinghouse-

Date: 28/03/2025

The proposed outbuilding has a floor area of 519m². This total floor area when compared to the floor area of the existing ground floor means it is not considered to be incidental to the main dwelling. This taken together with the proposed layout as shown on the proposed floor plans (see below) means the outbuilding would be capable of use as a self-contained unit. As such, the proposal fails to comply with this condition of Class E.

Conclusion

The proposed erection of an outbuilding has been assessed against the requirements of Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposal fails to comply with condition E.4 of Class E and is therefore not permitted development.

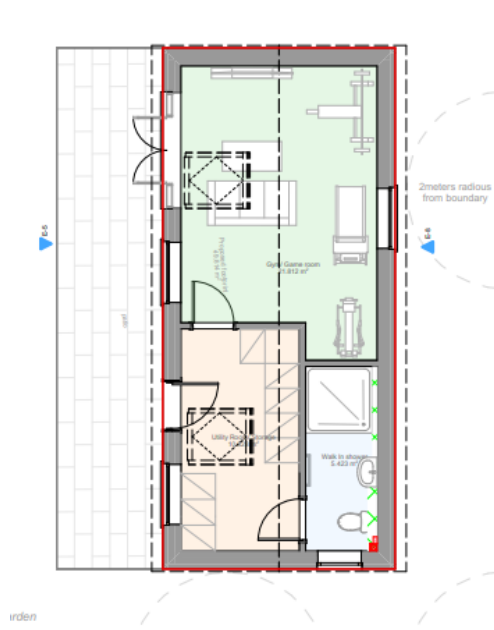
The decision is based on the following plans: PD Class E-04 (Proposed Floor Plans), PD Class E-07 and PD Class E-09 (Proposed Elevations and Site Location Plan Received 11/02/2025 by the LPA.

As a result, a certificate of lawfulness is to be REFUSED.

Location Plan



Floor Plan of Outbuilding



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