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# Planning Statement

Town and Country Planning Act 1990 (as amended): Section 192  
Lawful Development Certificate Application

**Extension and alterations to an existing dwelling  
Abbot Barn Farm, Black House Lane, Chipping, Preston PR3 2NR**

December 2016

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## Report Control

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## 1 INTRODUCTION

- 1.1 PWA Planning is retained to progress an application under Section 192 of the Town and Country Planning Act 1990 (as amended) for a lawful development certificate (“LDC”) in respect of a proposed extension and alterations to an existing dwelling, Abbot Barn Farm, Back House Lane, Chipping, Preston PR3 2NR.
- 1.2 The application seeks confirmation that the proposed developments, as set out in the associated floorplans and elevations, would constitute permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is hence lawful under the terms of the principal Act. It is requested that a certificate is issued to this effect, so as to provide certainty as to the planning status of the proposals.
- 1.3 In accordance with the legislation, the purpose of this statement is to expand upon the information provided and to explain why the proposed development is considered to be ‘permitted development’.

## 2 PROPOSALS

- 2.1 Section 192 (1) of the Town and Country Planning Act 1990 states that:

*(1) If any person wishes to ascertain whether—*

*(a) any proposed use of buildings or other land; or*

*(b) **any operations proposed to be carried out in, on, over or under land,***

*would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.*

- 2.2 Section 192 (3) of the Act go on to confirm that:

*(3) A certificate under this section shall—*

*(a) specify the land to which it relates;*

*(b) describe the use or operations in question (in the case of any use falling within one of the classes specified in an order under section 55(2)(f), identifying it by reference to that class);*

*(c) give the reasons for determining the use or operations to be lawful; and*

*(d) specify the date of the application for the certificate.*

- 2.3 In accordance with the legislation, the application submissions provide the information required by Part (3) (a), (b) and (d), and the purpose of this statement is to expand upon the information provided and to explain the reasoning for determining that the operations would be lawful in accordance with the Act (part (c)).
- 2.4 The following works are proposed to the existing residential dwelling known as Abbot Barn Farm:-
- (i) Replacement porch to front elevation (east elevation);
  - (ii) Replacement of existing lean-to on the side elevation (south elevation);
  - (iii) Erection of single storey extension to rear of dwelling (west elevation)

### 3 PLANNING JUSTIFICATION

3.1 The proposed alterations and extensions are all modest changes to the dwelling, which are common place developments in many other cases. The only complication in respect of this particular site is that the principal elevation (the front of the house) is not that which fronts the highway, but is in fact the east elevation which fronts open fields (and the views) and the public footpath. This is evidenced by the fact that this is the more ornate façade of the dwelling and that which contains the front door. Evidence of this is also contained within the historic building recording undertaken in connection with the discharge of planning conditions related to the residential conversion of the adjacent barn (application 03/2014/0457 refers). At the penultimate page of this report there is a photograph (no.46) and annotation which shows the road facing part of the farmhouse and it is described as “trap house and **rear of farmhouse**”. The application is proceeding on the basis that the east elevation is the principal elevation of the dwelling.

3.2 Taking into account the above, it is considered that the proposals comply with Schedule 2 Part 1 of the GPDO for the following reasons :-

#### **Porch to front elevation**

3.3 The proposed replacement porch will replicate an existing porch of identical size. It is however permitted development by virtue of Class D and the proposal does not contravene any of the limitations at D.1.

#### **Replacement lean-to side extension**

3.4 It is considered that this element of the development, which again will replace an existing lean-to side extension with something of identical proportions, would be permitted development under Class A. Although this is an extension on the side elevation of the property, which are typically excluded in the case of dwellings within AONB (Article 2(3) land), it replaces an existing extension and hence it cannot be said that the development would extend beyond a wall forming a side elevation of the original dwellinghouse, as the existing extension is part of the side elevation of the original dwellinghouse (as existing at 1948).

#### **Rear Extension**

3.5 It is considered that this element of the development would be permitted development under Class A and that it is not excluded by virtue of any of the limitations at Section A.1. A.2 or the conditions at A.3. In particular :-

- the existing dwellinghouse to which the extension relates was not granted by virtue of Class M, N, P, PA or Q of Part 3 of the Schedule;
- the proposals will not result in a scenario whereby the ground covered by buildings would exceed 50% of the total area within the curtilage;
- the proposed extension will not exceed the highest part of the roof of the existing dwellinghouse;
- the eaves of the extension will not exceed the existing eaves of the dwellinghouse;
- the extension would not extend beyond a wall which forms the principal elevation of the original dwellinghouse or fronts a highway and forms a side elevation of the original dwelling house – see section 3.1 above;
- the extension is no more than 4m deep;
- the extension is single storey

- the eaves do not exceed 3m;
- it includes no side extension;

3.6 In addition to those regulations set out above, the following regulations are also relevant to the proposals as they solely relate to developments within the curtilage of an existing dwellinghouse on Article 2(3) land (in the case of this application: an Area of Outstanding Beauty):

*“A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—*

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;*
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or*
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse”*

3.7 The proposed extension to the rear of the dwellinghouse is to be of stone construction and is therefore considered to comply with criterion A.2 (a); as set out in the preceding paragraph, the extension does not extend beyond a side elevation of the original dwellinghouse, in accordance therefore with A.2 (b). The development represents a single storey extension attached to the rear elevation of the dwellinghouse, and is therefore considered to comply with criterion A.2 (c).

#### **4 CONCLUSION**

- 4.1 In light of the above and including the proposed plans, it is clear that the proposed alterations and extension meet the tolerances and other restrictions within Schedule 2 Part 1, Class of the Town and Country Planning (General Permitted Development Order) (England) (2015) (as amended) and hence represent permitted development.
- 4.2 Accordingly, it is clear that the applicant is entitled to a certificate to this effect.