

Delegated Report

Planning Reference: 25/00687/CLP

Applicant(s): Mr George Burton

Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Application Site: Brooklands, Lutterworth Road, Burbage, Hinckley, Leicestershire, LE10 3AH

Proposal: Certificate of proposed lawful development of an ancillary domestic outbuilding in the garden.

Case Officer: Jack Playle (Technical Planning Assistant)

1. Recommendations

1.1. Refuse Certificate of Lawful Proposed Development

2. Planning Application Description

- 2.1. This application seeks to obtain a certificate of lawful development for the erection of an ancillary domestic outbuilding at Brooklands, Lutterworth Road, LE10 3AH.

3. Description of the Site and the Surrounding Area

- 3.1. The application site relates to a detached residential bungalow within the settlement boundary of Burbage. The dwelling features a buff brick to walls, black tiles to the roof and white uPVC to the openings. The dwelling is not listed nor is situated within a conservation area.

4. Relevant Planning History

- 4.1 **There is no relevant planning history for this proposal and this application site.**

5. Publicity

- 5.1. Not required for this type of application.

6. Consultation

- 6.1. Not required for this type of application.

7. Policy

- 7.1 Section 192 of the Town and Country Planning Act 1990.

- 7.2 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

8. Appraisal

- 8.1. The main consideration for determination of this proposal is whether the proposed development falls within permitted development rights as set out under The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) Schedule 2 Part 1, Class E (buildings etc incidental to the enjoyment of a dwellinghouse Permitted development.)

Proposed Outbuilding

- 8.2. Schedule 2, Part 1, relates to permitted development within the curtilage of a dwellinghouse. Class E 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, liquid petroleum gas.
- 8.3. Given its scale and siting, the outbuilding appears subordinate to the main dwelling. However, the proposed size has not been adequately justified and fails to demonstrate a clear need for a use incidental to the residential function of the dwellinghouse. In addition it is considered that the proposed outbuilding appears capable of functioning entirely independently to the main dwelling.
- 8.4. In this individual case, it is considered by the Local Planning Authority that the proposed outbuilding would not be incidental to the dwellinghouse given the overall size of the structure and spaces proposed within the outbuilding within the curtilage of The Brooklands in relation to Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) relates to permitted development within the domestic curtilage of a dwellinghouse. The land upon which the outbuilding would be sited is not considered to be incidental to the enjoyment of the residential dwellinghouse and insufficient evidence has been provided to the contrary.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; and

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3. There are no known equality implications arising directly from this development.

9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1. The proposed development does not constitute permitted development by virtue of the Provisions of 2 Part 1 Class E of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).

11. Recommendation

11.1. Refuse Certificate of Proposed Lawful Development for the reason below.

11.2. Reasons

1. Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) relates to permitted development within the domestic curtilage of a dwellinghouse. The proposed outbuilding is not considered to be incidental to the enjoyment of the residential dwellinghouse as a result of the size and nature of the spaces and uses proposed. The proposed detached outbuilding as shown on the Block Plan Drg 4890/CLU/02 received by the local planning authority on 8 August 2025 therefore fails to qualify for assessment of permitted development under Schedule 2, Part 1, Class E of the Town and Country Planning) General Permitted Development (England) Order 2015 (as amended).

11.3. Notes to applicant

1. This application has been assessed with regard to the following submitted documents:
 - Application Form

- Proposed Elevations, Floor Plans, Site Location and Block Plan Drg 4890/CLU/02
- Site Location, Layout Plan, Drg No. 4890/CLU/01