

Delegated Report

Planning Reference: 26/00682/CLP

Applicant(s): Mr Tony Murgatroyd

Ward: Markfield, Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Application Site: 44 Park Avenue, Markfield

Proposal: Certificate of proposed lawful development for the erection of a garage and gym outbuilding.

Case Officer: Gwion Russell (Planning Officer)

Recommendations

1.1. Grant 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 a single-storey garage/gym outbuilding. The development is proposed within the rear residential curtilage at No. 44 Park Avenue, Markfield.
- 2.2. The proposed outbuilding would measure 12m in width and 7m in depth. It would comprise a dual-pitched roof form, with a maximum ridge height of 4m and a maximum eaves height of 2.5m. The building would feature a small three-pane window, access door and two-roller shutter garage doors along the front elevation, together with a single window and a large glazed bifold door opening on the west elevation, serving the gym and associated shower room.
- 2.3. The access arrangements comprise an area of replacement block paving and gravel along the eastern boundary of the property, which incorporates the existing driveway at the property frontage and would allow access to the two garage doors.

3. Description of the Site and the Surrounding Area

- 3.1. The application site comprises a single-storey dwelling, with a gabled roof form. There are two white uPVC casement windows to the principal elevation, along with stone detailing.

4. Relevant Planning History

26/00461/HOU

- Erection of a garage/garden room and associated works
- Withdrawn
- 07.07.2026

80/01188/4

- Extension to house forming shower room and hall
- Permitted
- 10.09.1980

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. The 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.

8.2. Class E covers buildings, enclosures, pools and containers within the curtilage of a dwellinghouse, not attached to the dwellinghouse.

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 (changes of use);

Permission to use the dwellinghouse as a dwellinghouse has not been granted by Class M, N, P, PA or Q of Part 3 of this Schedule.

b) The total area of ground covered by buildings, enclosures, pools 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);

The total area of ground covered would not exceed 50% of the curtilage of the residential dwellinghouse.

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;

The proposed development would not be sited forward of the property's principal elevation.

d) The building would have more than one storey;

The proposed building would be single storey, with a maximum ridge height of 4 metres.

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,
- (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,
- (iii) 3 metres in any other case;

The proposed building complies with the relevant height restrictions and being proposed as a dual-pitched roof, would not exceed 4m in height from the base to the ridge.

No element of the proposal is within 2m of a property boundary and is therefore compliant with the height restrictions.

f) The height of the eaves of the building would exceed 2.5 metres;

The proposed eaves height would not exceed 2.5 metres.

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

The site is not within the curtilage of a listed building.

h) It would include the construction or provision of a veranda, balcony or raised platform;

The proposal does not include a veranda, balcony or raised platform.

i) It relates to a dwellinghouse built under Part 20 of this Schedule (construction of new dwellinghouses);

The dwellinghouse was not built under Part 20 of this Schedule.

Conditions:

Development is permitted by Class E subject to the following condition:

a) The use of the building, enclosure, pool or container must be incidental to the enjoyment of the dwellinghouse as such;

The proposed garage is intended for the secure storage of vehicles and as a home gymnasium, which would be incidental to the enjoyment of the dwellinghouse. It is noted the proposals would see the addition of a shower room to the rear of the building. It would not be unusual to see an associated shower room for use by users of the gymnasium.

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;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (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. Based on the submission the proposed extension would comply with the relevant provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

11. Recommendation

11.1. Grant Certificate of Proposed Lawful Development

11.2. The application has been determined with consideration to the following submitted documents:

- Application form for a Certificate of Lawful Proposed Development
- Planning Statement
- Proposed Garage Block Plan, Floor Plans and Elevations – Drg No. 26021-03
- Site Location Plan
- All received by the Local Planning Authority on 28/07/26

12.1. Notes to applicant

- a) The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.