

Delegated Report

Planning Reference 26/00060/CLP
Applicant(s) Tom Knapp
Ward Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Application Site Brooklands Farm, Lutterworth Road, Burbage

Proposal Certificate of proposed lawful development for the erection of an outbuilding to accommodate a home gym and bar area.

Case Officer Jack Playle (Technical Planning Assistant)

1. Recommendations

1.1. Grant Certificate of Lawful Proposed Development

2. Planning Application Description

- 2.1. This application seeks a Certificate of Proposed Lawful Development to confirm that the erection of an outbuilding to accommodate a home gym and bar area is lawful development at Brooklands Farm, Lutterworth Road, Burbage. The outbuilding would measure approximately 11.7 metres in width by 8.5 metres in depth and would feature a dual-pitched roof with a ridge height of 4 metres and an eaves height of 2.5 metres. The outbuilding would have an approximate footprint of 89.2 square metres.

3. Description of the Site and the Surrounding Area

- 3.1. The application site relates a detached bungalow located to the north of Lutterworth Road, Burbage and lies within the designated open countryside. The area is predominantly rural in character with a mix of dwellings and agricultural uses located along Lutterworth Road.

4. Relevant Planning History

4.1 25/00687/CLP

- Certificate of proposed lawful development for the erection of an ancillary domestic outbuilding in the garden.
- Refused
- 26.09.2025

This application was refused as the proposed outbuilding was not considered to be incidental to the enjoyment of the existing dwelling as a result of its size and proposed use.

5. Publicity and Consultation

- 5.1. There is not statutory requirement to consult third parties on an application for a lawful development certificate. No consultation has therefore been undertaken.

6. Policy

- 6.1 Section 192 of the Town and Country Planning Act 1990.
- 6.2 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

7. Appraisal

- 7.1 The main consideration for the determination of this proposal is whether the proposed development would comply with the limitations of Permitted Development Rights. Class E of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) can consider buildings etc incidental to the enjoyment of a dwellinghouse.

- 7.2 In comparison to the previous scheme for an outbuilding within the site, which was refused via application 25/00687/CLP, the development is approximately 40 square metres smaller in footprint and 5.7 metres smaller in depth, and the summerhouse, barbecue area, shower and toilet facilities have been removed the development proposal. It is considered that the current proposal would represent the development of a building that would be incidental to the enjoyment of the existing dwellinghouse.

- 7.3 For the purposes of Class E of Part 1 Schedule 2 of the GDPO, development is not permitted if -

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

Permission to use the existing 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 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 property curtilage.

- (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 situated forward of the principle.

- (d) the building would have more than a single storey;

The proposed building would be single storey.

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

The ridge height of the proposed dual-pitched roof would not exceed 4 metres in height.

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

The proposed eaves 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 verandah, balcony or raised platform;
- (i) it relates to a dwelling or a microwave antenna; or
- (j) the capacity of the container would exceed 3,500 litres.; or

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

- (k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

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

- 7.4 The application site is not on any land within an area of outstanding natural beauty, the Broads, a National Park, a World Heritage Site, or Article 2(3) land. Therefore E.2 and E.3 of this Class are not applicable to the current development proposal.

8. Equality Implications

8.1 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.

8.2 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.

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

8.4 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).

9. Conclusion

9.1 The proposed development for an outbuilding to accommodate a home gym and bar area at Brooklands Farm, Lutterworth Road, Burbage would be considered to be lawful development, and therefore, a Certificate for the Proposed Lawful Development can be granted.

9.2 This conclusion is made on the basis of details provide by the Applicant, and as shown on the following documents received by the Local Planning Authority on the 21 January 2026:

- Site Location Plan, Drg No. 25/125 00
- Proposed Site Plan, Drg No. 25/125 02
- Proposed Outbuilding - Elevations Floor Plan, Drg No. 25/125 01

10. Recommendation**10.1 Grant Certificate of Proposed Lawful Development****a. Notes to Applicant**

1. 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.