

Planning Department
Hinckley and Bosworth Borough Council
Hinckley Hub
Rugby Road
Hinckley
LE10 0FR

Our ref: 2506344.3

June 2024

Dear Sir/Madam,

**Application for a Certificate of Lawful Development - Proposed Use or Development
Section 192 of Town & Country Planning Act 1990 (As Amended)**

Certificate of Lawful Development under Schedule 2, Part 1, Class E of the General Permitted Development Order (GPDO) 2015 (as amended) - Construction of a swimming pool and associated pool house to the rear of The Paddock, Ratby Lane, Markfield, Leicestershire, LE67 9RJ.

1. We are pleased to submit an application for a Certificate of Lawful Development for development proposed at **The Paddock, Ratby Lane, Markfield, Leicestershire, LE67 9RJ.**
2. This letter has been prepared to support the submission, and outlines why the proposed development complies with Schedule 2, Part 1, Class E of the GPDO 2015 (as amended).
3. The Paddock benefits from full permitted development rights.
4. The submitted plans and information contained within this letter confirm that proposed development can be carried out, and would be lawful, under Section 192 of the Town and Country Planning Act 1990.
5. The following documents support this submission and should be read in conjunction with this letter:

- **23094-P- 001- Location Plan**

- **23094-P- 201- Pool House Site Layout**
- **23094-P- 202B- Pool House Elevations and Sections**
- **23094-P- 203- Pool House Plans**
- **23094-P- 204- Pool House Plans Block Plan**
- **Compass Pools Catalogue 2022-23**

Planning History

6. Planning history relevant to this submission is summarised in Table 1:

Application Number	Description	Date of Decision	Decision
23/01236/HOU	Single storey front, rear and side extensions, external alterations and remodeling	12 th February 2024	Approved
04/01371/FUL	Extensions and alterations to dwelling construction of splayed entrance walls and erection of floodlighting poles around tennis court	1 st January 2005	Approved
77/00911/4M	Erection of bungalow	23 rd August 1977	Approved

Table 1 – Relevant planning history of the application site

The Legal Test:

7. Section 192 of the Act sets out the legal test for establishing lawful use or development.

“192. (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 the use or operations in question.”

8. Paragraph 006 (Reference ID: 17c-006-20140306) of the Planning Practice Guidance (“PPG”) under the heading lawful development certificates states:

“In the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved”.

The Application

9. This application is for a Certificate of Lawful Development, and is made under Section 192 of the Town & Country Planning Act 1990 (as amended) (the “Act”).
10. The development would comprise of the construction of a swimming pool and associated outbuilding (pool house) for use by our Client and their family.
11. The Application is made on the basis that once the swimming pool and outbuilding are lawfully implemented and substantially complete, both would be permitted development under Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (“GPDO”). As such, the development would be lawful and would not require planning permission.

Description of the Site

12. The application site is experienced as a spacious and secluded dwellinghouse located outside of the village of Markfield. The dwelling forms part of a ribbon development with rural surroundings, and the application site consists of 1no. bungalow, associated residential outbuildings, and large landscaped garden. Vehicular access is achieved via a private gated driveway directly off Ratby Lane.
13. The Paddock is located towards the eastern extent of the application site, and the principal elevation faces directly towards Ratby Lane. The dwelling is significantly set back from the street scene and positioned behind a landscaped front garden area and private driveway.
14. Dense structural landscaping in the form of mature trees, hedgerows, and bushes shape the eastern site boundary of the application site adjacent to Ratby Lane. Landscaping helps visually contain the site, and combined with the overall positioning of the dwelling, The Paddock cannot be easily perceived from the street scene. Close board fencing and

dispersed sections of high-quality planting shape the northern, southern, and western site boundaries

Description of the Proposals:

15. The proposed development relates to the provision of a swimming pool and associated outbuilding (pool house) within the residential curtilage of The Paddock. The use of the pool and pool house would be incidental to the enjoyment of The Paddock, and used privately by our Client and their family.
16. The swimming pool would be located to the rear of the property and would measure approximately 13.2m by 4.5m. The submitted brochure includes additional design information for the proposed swimming pool (proposed model: XXL-Trainer 133 FB* P66).
17. The proposed outbuilding (pool house) is a flat roofed structure with a decorative stone clad parapet wall. The building would be positioned 2m away from the shared boundary to the north-east. Proposed materials include burnt cedar millboard timber composite cladding and a stone parapet wall.

Assessment of the Proposed Development against the GPDO:

18. **Schedule 2, Part 1, Class E of the GPDO permits “the provision within the curtilage of the 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 or liquid petroleum gas.”**
19. The development proposes the provision of a building and swimming pool within the residential curtilage of The Paddock. The use of the swimming pool and outbuilding (pool house) would be incidental to the enjoyment of the dwellinghouse, as the pool and pool house would be used privately by our Client and their family.

20. In **Appendix A** photographic imagery of the site is provided. The images span from 2000 to 2023 and demonstrate that all land within the red line boundary is established residential curtilage relating to The Paddock.
21. **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 G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use)***
22. The dwelling was not granted by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this schedule. The dwellinghouse was granted full planning permission in 1977, with later alterations approved in 2005 and 2024.
- (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)***
23. As shown on the submitted *Site Layout Plan*, the proposed swimming pool and associated outbuilding would not exceed 50% of the total area of residential curtilage evidenced in Appendix A.
- (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.***
24. The proposed swimming pool and associated outbuilding would be situated on land to the rear of the original dwellinghouse.
- (d) The building would have more than a single storey.***
25. As shown on the submitted *Elevation and Section Plan*, the proposed outbuilding (pool house) 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**

26. Technical Guidance confirms that the height measurement should be taken at the highest ground level.
27. As shown on the submitted *Elevation and Section Plan*, the proposed outbuilding (pool house) would have a maximum height of 3m when measured from ground level to the top of the parapet wall.

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

28. Technical Guidance confirms that the height measurement should be taken at the highest ground level, and parapet walls are excluded from the eaves height measurement.
29. As shown on the submitted *Elevation and Section Plan*, the height of the eaves of the proposed outbuilding would measure 2.5m exactly.

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

30. The swimming pool and associated outbuilding (pool house) would not be situated within the curtilage of a Listed Building.

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

31. The proposals would not include the construction of provision of a veranda, balcony or raised platform.

(i) It relates to a dwelling or a microwave antenna.

32. The proposal does not relate to a dwelling or microwave antenna.

(j) The capacity would exceed 3,500 litres.

33. The proposed development is not for a container, therefore the above quantitate restriction does not apply.

(k) The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

34. The dwellinghouse was not built under Part 20 of the Schedule.

35. ***“E.2 In the case of any land within the curtilage of the dwellinghouse which is within –***

(a) An area of outstanding natural beauty

(b) The Broads

(c) A National Park; or

(d) A World Heritage Site

36. ***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.***

37. The site is not located within any of the above land designations.

38. ***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 and the boundary of the curtilage of the dwellinghouse.”***

39. The application site is not located upon Article 2(3) Land.

Conclusion:

40. The proposed development relates to the provision of a swimming pool and associated outbuilding (pool house) within the residential curtilage of The Paddock. The use of the pool and pool house would be incidental to the enjoyment of the dwellinghouse, and used privately by our Client and their family.
41. This letter demonstrates that the proposed development fully complies with the specific conditions and limitations of Schedule 2, Part 1, Class E of the General Permitted Development Order (2015) (as amended).
42. Based on the above assessment, the submitted plans and information contained within this letter confirm that the proposed development can be lawfully carried out on site without the need for planning permission under Section 192 of the Town and Country Planning Act 1990.
43. We therefore respectfully request that a Certificate of Lawful Development is granted for the proposed construction of a swimming pool and associated outbuilding (pool house).
44. If you have any queries on the submitted information please contact either Sachin Parmar or Ellen Keen directly.

Yours Sincerely,



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Appendix A – Historic Map Regression:

Date	Google Earth Screenshot
2000	
2006	

2010



2015



2020



2023

