

Delegated Report

Planning Ref: 24/00639/CLP
Applicant: Mr Richard Smallman
Ward: Markfield, Stanton and Fieldhead



Hinckley & Bosworth
Borough Council

Site: The Paddock, Ratby Lane, Markfield

Proposal: Swimming Pool and Associated Outbuilding

1. Recommendations

1.1. Grant Certificate of Lawful Proposed Development

2. Planning application description

- 2.1. The application seeks a Certificate of Proposed Lawful Development for the installation of a swimming pool and associated outbuilding.
- 2.2. The outbuilding and swimming pool will be located to the rear of the host dwelling, and to the East of the site.

3. Description of the site and surrounding area

- 3.1. The property is located out of the settlement boundary of Markfield and is in a countryside location, and within Charnwood and National Forest. The site is set back significantly from Ratby Lane and is heavily screen by mature trees and hedgerow. The existing development is located on a large plot with a generous front and rear garden, with off-street car parking to the site frontage. The property neighbours a bungalow and a two storey dwelling, both of which are separated by 2m wooden boundary fencing with associated established landscaping.

4. Relevant planning history

23/01236/HOU

- Single storey front, side and rear extension and associated works
- Planning Permission
- 12.02.2024

5. Publicity/Consultation

- 5.1 This is an application for a certificate of proposed lawful use and no publicity or consultation is required.

6. Policy

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

7. Appraisal

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

7.2 Class E states that E. The provision within the curtilage of the dwellinghouse of—

- 7.3 (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

7.4 (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

7.5 The development lies within the curtilage of the dwelling and from the information submitted the development would be for the purposes incidental to the enjoyment of the dwellinghouse. The outbuilding does include kitchen and bathroom spaces but it is identified as an entertainment area with no primary living accommodation such as a bedroom indicated. The proposal for an outbuilding and swimming pool is therefore considered under this section of the GPDO:

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 [F1G,] M, [F2MA,] N, P [F3, PA] or Q of Part 3 of this Schedule (changes of use);

Permission has not been granted by such classes 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 covered does not exceed 50% of the total 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 proposal for the outbuilding and swimming pool is located to the rear of the existing dwelling.

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

The proposed outbuilding is 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,

Not applicable- the outbuilding has a flat 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

The proposed location of the outbuilding is located a minimum of 2m away from the boundary of the curtilage.

(iii) 3 metres in any other case;

The outbuilding has a flat roof measuring 2.5m in height, with the exception of a stone wall element which measures 3m in height from the adjacent ground level as shown by the section plans.

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

The height of the eaves measures 2.3 metres.

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

The proposal is not located within the curtilage of a listed building.

(h) it would include the construction or provision of a verandah, balcony or raised platform;

N/A

(i) it relates to a dwelling or a microwave antenna;

N/A

(j) the capacity of the container would exceed 3,500 litres

The proposal does not involve a container.

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

N/A

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;
 - (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.

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.

9. Recommendation

9.1 Grant Certificate of Lawful Proposed Development

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

- Application Form
- Covering Letter
- Swimming Pool Specification Document
- Site Location Plan Drg No. 23,094-P-001
- Proposed Site Layout Drg No. 23,094-P-201
- Proposed Pool House Block Plan Drg No. 23,094-P-204
- Proposed Pool House Plan Drg No. 23,094-P-203
- Proposed Elevations and Sections Drg No. 23,094-P-202

11.1 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.