

Lawful Development Supporting Statement – The Oaks, Sapcote Road, Burbage

1. Introduction

This Planning Statement accompanies an application for a Lawful Development Certificate (Existing) under Section 191 of the Town and Country Planning Act 1990 in respect of the existing rear detached glazed outbuilding located at The Oak, Sapcote Road, Burbage.

The purpose of this statement is to demonstrate that the building and its current use are lawful and do not require planning permission.

2. Site Description

The application site comprises a residential dwellinghouse with a rear garden. Within the garden curtilage is a detached single-storey glazed outbuilding. The structure is located entirely within the residential curtilage of the property and is clearly subordinate in scale and function to the main dwelling.

The outbuilding is accessed solely from the garden and has no independent access from the public highway.

3. Description of the Development

The outbuilding has been in continuous use since approximately May 2023 for purposes incidental to the enjoyment of the dwellinghouse. The building is used as ancillary accommodation such as a garden room / gym / recreational space and does not provide primary living accommodation.

The structure does not contain cooking facilities, sleeping accommodation intended for permanent occupation, or facilities enabling independent residential use.

4. Planning History and Use

The use of the outbuilding commenced in 2023 and did not require planning permission as it complies with permitted development rights for householders. Since that time, the use has remained continuous and unchanged.

At no point has the outbuilding operated as a separate planning unit. It remains functionally and physically linked to the main dwellinghouse and forms part of the single residential planning unit.

There has been no material change of use requiring planning permission.

5. Legal Considerations

This application is made under Section 191 of the Town and Country Planning Act 1990, which allows for a certificate to be issued where it can be demonstrated, on the balance of probability, that a use or development is lawful.

The outbuilding remains ancillary and incidental to the enjoyment of the dwellinghouse and does not amount to the creation of a separate dwelling or independent residential unit.

The use commenced within the last 10 years and has continued without interruption. There has been no subsequent change of use requiring planning permission during this period.

6. Supporting Evidence

Supporting documentation accompanying this application includes:

- Photographic evidence of the building and its internal layout
- Written statement confirming the date of commencement and continuous use
- Site location plan and block plan

This evidence demonstrates continuity of use and confirms the ancillary nature of the outbuilding.

7. Conclusion

The rear detached glazed outbuilding has been in continuous ancillary use incidental to the enjoyment of the dwellinghouse since approximately May 2023. The use does not constitute development requiring planning permission and has remained unchanged. The structure does not function as an independent planning unit and complies with all the permitted development rules.

On this basis, it is respectfully requested that the Local Planning Authority confirms the lawfulness of the development and grants a Lawful Development Certificate accordingly.