



Appeal Decision

Site visit made on 8 January 2024

by A Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 January 2024

Appeal Ref: APP/D2320/X/23/3315804

Shackerley, Tithe Barn Lane, Heapey, Lancashire PR6 9BX

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr Justin Cole against the decision of Chorley Borough Council.
 - The application ref 22/01041/CLPUD, dated 3 October 2022, was refused by notice dated 23 December 2022.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
 - The development for which a certificate of lawful use or development is sought is the erection of a detached outbuilding on garden curtilage complying with permitted development allowances.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the Council's decision to refuse to grant an LDC for the single-storey rear extension is well-founded.

Reasons

3. Under Schedule 2, Part 1, Class E of the Town and Country (General Permitted Development) (England) Order 2015 (the GPDO), buildings etc incidental to the enjoyment of a dwellinghouse are permitted development. Under Class E.1.(c), such development is not permitted if 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.
4. The Permitted Development Rights for Householders Technical Guidance 2019¹ (Technical Guidance) provides guidance on what the principal elevation is. It states that in most cases it will be the part of the house which fronts the main highway, ie the one that sets the postcode for the house, and contains the main architectural features such as bay windows, porches and main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house. There will only be one principal elevation on a house.
5. The appeal dwelling is situated within extensive grounds and is accessed via its own private access road. The dwelling is not visible from Tithe Barn Lane, from which access to it is gained. Therefore, the dwelling cannot be said to front the main highway. Nevertheless, the northern elevation of the dwelling is where

¹ Published by the Ministry of Housing, Communities and Local Government

the front door is and is the main entrance to the dwelling. The driveway leads to the parking area that is immediately to the front of this elevation, supporting the fact that this elevation is the front of the dwelling. In contrast, the southern elevation contains large patio doors that open onto a patio area that leads down to a large lawned area and is clearly read as the rear of the dwelling. Consequently, the principal elevation of the dwelling is the northern elevation. There is no evidence before me that this elevation was not the principal elevation of the original dwellinghouse.

6. Given the proposed building would be located approximately 43m to the north east of the north elevation, it would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse. Consequently, the proposal fails to meet the requirements of Class E of the GPDO and therefore would not be permitted development.

Other Matters

7. The appellant argues the proposed siting of the building would be less visible than that suggested by the Council. However, the visibility of the building is not a consideration when determining whether it benefits from permitted development rights. Similarly, although the building may well be within the other parameters set out in Class E, it must satisfy them all in order to benefit from the permitted development rights.

Conclusion

8. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful development is well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

A Walker

INSPECTOR