

Appeal Decision

Site visit made on 30 September 2025

by D A Hainsworth LL.B(Hons) FRSA Solicitor
an Inspector appointed by the Secretary of State

Decision date: 9th October 2025

Appeal Ref: APP/J4423/X/24/3353002
116 Bole Hill Road, Sheffield S6 5DE

- The appeal is made by Martin Baines under section 195 of the Town and Country Planning Act 1990 against a refusal by Sheffield City Council to grant a lawful development certificate.
 - The application Ref: 24/01694/LD2, dated 6 June 2024, was refused by notice dated 31 July 2024.
 - The application was made under section 192(1)(b).
 - The development for which the certificate is sought is "Demolition of existing side extension and garage and erection of detached garage".
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Decision

1. The appeal is allowed and attached to this decision is a lawful development certificate relating to the operations described in the application, which are considered to be lawful if begun at the time of the application.

Reasons for the decision

2. Section 195 requires an assessment to be made as to whether the Council's refusal of the application is or is not well-founded. The assessment is based on the lawfulness of the proposed development at the time of the application. The planning merits of the development are not relevant to the appeal and there is no planning application before me.
 3. The applicant proposes to demolish both the single-storey side extension to the house and the garage at the rear of the extension and to replace them with a larger garage that would fill the area between the side of the house and the northern boundary of the site. The new garage would comply with all the criteria in Class E.1(a)-(k) of the Town and Country Planning (General Permitted Development) (England) Order 2015, including the limit on ground coverage in E.1(b).
 4. The Council refused to grant the application for the following reason: -
"The Local Planning Authority considers that the proposed development fails to comply with the requirements of Class E(a) of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended:
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- (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

In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that an outbuilding of such a size and scale would genuinely and reasonably be required to serve its proposed functions and consequently, appears to have been proposed based on the unrestrained whim of the applicant. Therefore, it has not been demonstrated that the proposed development would accommodate a use/s that are for purposes incidental to the enjoyment of the dwellinghouse."

5. My understanding of the principles that apply to the phrase "any building ... required for a purpose incidental to the enjoyment of the dwellinghouse as such" in Class E (a) is as follows: -
 - The concept of Class E (a) is broad and a wide range of incidental purposes is permitted.
 - The incidental purposes must be connected with the running of the house or the domestic, recreational or leisure activities of its occupiers and the building must be required for those purposes, but it is primarily for the occupiers to decide what incidental purposes are to be enjoyed in the building.
 - In order to assess whether the purposes are incidental to the enjoyment of the house, their nature and scale are to be considered. There should be an element of subordination in land use terms in relation to the enjoyment of the house itself. The size of the building in comparison to the size of the house is a relevant, but not a decisive, factor. The comparison should be with the whole of the house as it exists and not just with its footprint, since this is the "dwellinghouse as such" which Class E (a) relates to. Some incidental purposes may require a building that is larger than the dwellinghouse either because the existing dwellinghouse is small or because of the amount of space required for the particular activities concerned.
 - Ultimately, the question whether the building is required for purposes incidental to the enjoyment of the dwellinghouse as such is a question of fact and degree, involving a planning judgment to be made applying an objective test of reasonableness in all the circumstances of the particular case.
6. The applicant is a motor enthusiast and the new garage would house existing items associated with this hobby, together with leisure items currently kept in the house, and also his van which is at present kept in the open at the side of the house. The indicative internal layout of the new garage shows that it would accommodate four motorcycles, the van, a trailer, a pool table, musical equipment, a work bench and storage facilities, leaving space for the classic car he intends to acquire.
7. These are all incidental purposes connected with the running of the house and the applicant's domestic, recreational and leisure activities. The new garage is required for these purposes because the items are all best kept securely under cover and there is insufficient such accommodation at present. It is not unreasonable in all the circumstances for the applicant to require a new garage

of the size proposed and it would in my opinion be within the parameters of Class E (a) in spite of the comparison that can be made between its footprint and the size of the house.

8. I am satisfied that the Council's refusal of the application is not well-founded. The appeal has therefore been allowed and the certificate has been granted.

D.A.Hainsworth

INSPECTOR



Certificate of Lawful Development

APPEAL REFERENCE APP/J4423/X/24/3353002

TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192

THE TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)
ORDER 2015: ARTICLE 39 & SCHEDULE 8

IT IS CERTIFIED that on 6 June 2024 the operations described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and shown edged and hatched in black on the plan attached to this certificate would be lawful within the meaning of section 192 of the Town and Country Planning Act 1990, for the following reason:

The operations were permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015, Article 3(1) and Schedule 2, Part 1, Class E.

D.A.Hainsworth

INSPECTOR

Dated: 9th October 2025

First Schedule

The demolition of the side extension and the garage and the erection of a detached garage.

Second Schedule

116 Bole Hill Road, Sheffield S6 5DE

Notes

1. This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990.
2. It certifies that the operations described in the First Schedule taking place on the land specified in the Second Schedule would be lawful on the specified date and, therefore, would not have been liable to enforcement action under Part VII of the 1990 Act on that date.
3. This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operations that are materially different from those described or which relate to any other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by section 192(4) of the Act, which states that the lawfulness of the operations is only conclusively presumed where there has been no material change, before the operations are begun, in any of the matters relevant to determining such lawfulness.



Plan attached to Certificate of Lawful Development

116 Bole Hill Road, Sheffield S6 5DE

Appeal reference: APP/J4423/X/24/3353002

This is the plan attached to the Certificate of Lawful Development
dated: 9th October 2025

D.A.Hainsworth

Inspector

