Cedar Planning Ltd
info@cedarplanning.co.uk

Planning Department

Manchester City Council

Town Hall Extension

Albert Square

Manchester, M60 2LA

28th February 2026

Dear Sir or Madam,

Certificate of Lawfulness (Proposed) Application for an Ancillary Outbuilding

1. Cedar Planning Ltd has been instructed by Virtual Property Solutions (the agent) to provide a statement in respect of the above Certificate of Lawfulness application on behalf of the Applicant. The application proposes an ancillary building of 50m2, which will provide a study, gym, WC and hallway.

2. 16 Kingsway is an existing semi-detached two storey residential dwelling of a red brick exterior, located to the north of Kingsway (A5079). The property has a bay window frontage, and has recently been granted planning permission for a two storey side extension which is yet to be built. Off-street parking is provided to the front of the property, with private amenity space to the side and rear.

Justification for Certificate of Lawfulness

3. For dwellings that benefit from permitted development rights, 'The Town and Country Planning (General Permitted Development) (England) Order 2015' (GPDO) allows householders to improve and extend their homes without the need to apply for planning permission. This includes proposals for 'buildings etc incidental to the enjoyment of a dwellinghouse' as set out in Schedule 2, Part 1, Class E.

4. Class E of Schedule 2, Part 1 of the GPDO permits the following:

   (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.

5. Under Class E the following limits and conditions apply:

Class E GPO Criteria	Comments
a) Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use)	***The host property was not granted permission to be a residential dwelling by virtue of a change of use Permitted Development Right.***
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);	**As illustrated by the relevant planning drawings, the existing garden area of the property is 281m2. There are no other outbuildings within the curtilage of the property. The ancillary outbuilding will provide a footprint of 50m2, which complies with this requirement.**
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 proposed ancillary outbuilding would not be located in front of the principal elevation of the original dwellinghouse.***
d) the building would have more than a single storey;	***The ancillary building would be single storey in nature.***
(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;	***The maximum height of the outbuilding is 2.5 metres, thereby complying with this requirement.***
(f) the height of the eaves of the building would exceed 2.5 metres	***As above, the eaves of the property do not exceed 2.5 metres.***
(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building	***The host property is not listed, therefore it complies with this requirement.***
(h) it would include the construction or provision of a verandah, balcony or raised platform (i) it relates to a dwelling or a microwave antenna	***The proposed ancillary outbuilding would not include these elements.***
(j) the capacity of the container would exceed 3,500 litres	***N/A***
(k) the dwellinghouse is built under Part 20 of the GPDO	***N/A***

E.4. of the GPDO states that for the purposes of Class E, "purpose incidental to the enjoyment of the dwellinghouse as such" includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

The proposed ancillary outbuilding is clearly located within the curtilage of the dwellinghouse.

In *Emin v SSE [1989] JPL909* it was confirmed that regard should be had not only to the use to which the building would be put, but also to the nature and scale of that use in the context of whether it was for a purpose incidental to the enjoyment of a dwellinghouse. The physical size of a dwellinghouse is part of the assessment, but it is not in itself conclusive.

The proposed ancillary outbuilding will provide a study, home gym and a hallway. At 11m2, the study is an appropriate size for such a use, with space for a desk, chair and associated storage. A home gym of 32m2 is also proposed. The supplied floorplans demonstrate that this space is required for the placement of gym equipment which is commonly used in home gyms – such as running machines, weight bench, and yoga space. A small WC is provided as well as a small hallway. The size of the individual rooms, and the outbuilding as a whole is in line with the size of outbuildings commonly found to be acceptable within the area and England as a whole.

We note that a number of significantly larger outbuildings have been approved at appeal. This includes an appeal at Brinkmarsh Lane, Falfield, South Gloucestershire (Appeal Ref: APP/P0119/X/3321551) whereby an outbuilding measuring 145sqm to provide a home workshop/office, project space and garage was found to comply with Class E of the GDPO. The Inspector concluded that:

> *"The footprint of the outbuilding would be similar to that of the host dwelling. However, **the intended uses are incidental to the enjoyment of the dwellinghouse** and, particularly given the modest size of the host dwelling and the absence of any existing outbuildings, **the scale of the outbuilding is no more than it needs to be**. There is also **no evidence to indicate that the proposed outbuilding rests on the "whim" of the appellant**. Accordingly, I am satisfied that on the evidence available to me that the outbuilding would be lawful under Class E of Part 1 of the GPDO." (paragraph 13, **emphasis added**)*

Similarly, in an appeal at 12 Jonson Close, Hayes (Appeal ref: APP/R5510/X/19/3236165) whereby an outbuilding of 50sqm was found to comply with Class E of Part 1 of the GDPO whereby it measured 50sqm. The Inspector correctly concluded that the correct test to apply was whether "the floor space attributed to the use was genuinely and reasonably required for

a purpose incidental to the enjoyment of the dwelling as such and whether the space would fulfil its intended purpose and nothing more." (paragraph 6)

Conclusion

The proposed ancillary outbuilding to this Certificate of Lawfulness application meets all of the relevant criteria for it to be considered permitted development as set out in the GPDO. Therefore, the Council is respectfully requested to grant a Certificate of Lawfulness for this proposal.

Kind Regards

Dan Malloy MRTPI

Director and Chartered Town Planner

Cedar Planning Ltd

E: info@cedarplanning.co.uk

T: 07418 610156