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Hi Rob

Further to your email to Alex dated 18th March.

I have now had the opportunity of reviewing your report and associated documents and would comment as follows:-

The statutory framework covering "lawfulness" for lawful development certificates is set out in [section 191\(2\) of the Town and Country Planning Act 1990](#). In summary, lawful development is development against which no enforcement action may be taken and where [no enforcement notice is in force](#), or, for which [planning permission is not required](#).

Town and Country Planning (General Permitted Development) (England) Order 2015 ("the Order") as amended, Part 1 of Schedule 2 to the Order sets out the permitted development rules concerning what enlargements, improvements, alterations and other additions a householder may make to their house and the area around it without the need for an application for planning permission.

The application in question appears to fall within the Permitted Development Rights, Class E - (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.

As the building will be within 2 metres of the boundary of the curtilage of the dwellinghouse the height must not exceed 2.5 metres to be measured from the ground level immediately adjacent to the building, which appears satisfied.

Finally, where development includes raised decking, it must not exceed 0.3m in height, to be measured against the ground level of the land adjacent to the building, which appears to be satisfied in this scenario due to the sunken nature of the patio.

Therefore, on the balance of probabilities there is sufficient evidence to show the proposed development falls within permitted development rights and the lawful development certificate should be issued.

If you require anything further, please do not hesitate to contact me.

With kind regards

Kara Dunn

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