



447 Fair Oak Road,
Eastleigh,
SO50 7AJ
Lawful Development Certificate Application



MARCH 2026
PREPARED ON BEHALF OF:
Mr R Maxey

SPP SOUTHERN
PLANNING
PRACTICE 

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SECTION I

INTRODUCTION

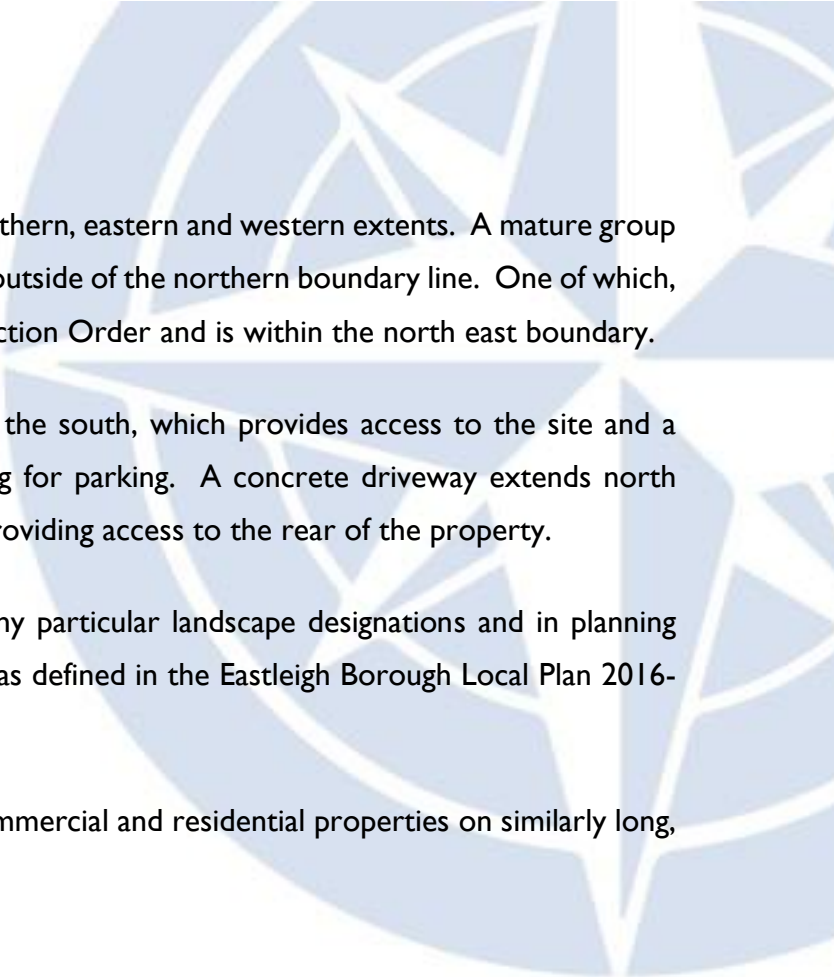
- I.1 Southern Planning Practice Ltd has been instructed by Mr Richard Maxey to prepare a Lawful Development Certificate application for the site at 447 Fair Oak Road, Eastleigh, Hampshire, SO50 7AJ.
- I.2 The client wishes to exercise their Permitted Development Rights, as available through Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) to construct detached home office and garage outbuildings within the curtilage of the dwelling, to be used ancillary to the enjoyment of that dwelling.
- I.3 A Lawful Development Certificate (LDC) for the proposed use is requested pursuant to Part VII, Section 192 of The Town and Country Planning Act 1990, to ascertain that the proposed development would be lawful for planning purposes.
- I.4 This statement will begin by describing the site and its surroundings, followed by a review of the planning history. It will then assess the proposal against the relevant provisions within the legislation.

SECTION 2

SITE AND SURROUNDS

- 2.1 The development site is situated in Eastleigh, within the Parish of Fair Oak and Horton Heath. The plot extends to approximately 0.17 acres. To the southern end is a two-storey semi-detached property used as a dwelling house, with the rear extending behind in a long, narrow shape.
- 2.2 **Figure 1**, below locates the site:



- 
- 2.3 The site is bounded by fencing on its northern, eastern and western extents. A mature group of trees are present, in part, within and outside of the northern boundary line. One of which, an oak tree, benefits from a Tree Protection Order and is within the north east boundary.
- 2.4 The property fronts Fair Oak Road to the south, which provides access to the site and a gravel drive at the front of the dwelling for parking. A concrete driveway extends north along the building's eastern elevation, providing access to the rear of the property.
- 2.5 The application site is not subject to any particular landscape designations and in planning terms is in the Fair Oak Village Centre as defined in the Eastleigh Borough Local Plan 2016-2036 (EBLP).
- 2.6 Surrounding uses consist of a mix of commercial and residential properties on similarly long, narrow plots.

SECTION 3

PLANNING HISTORY

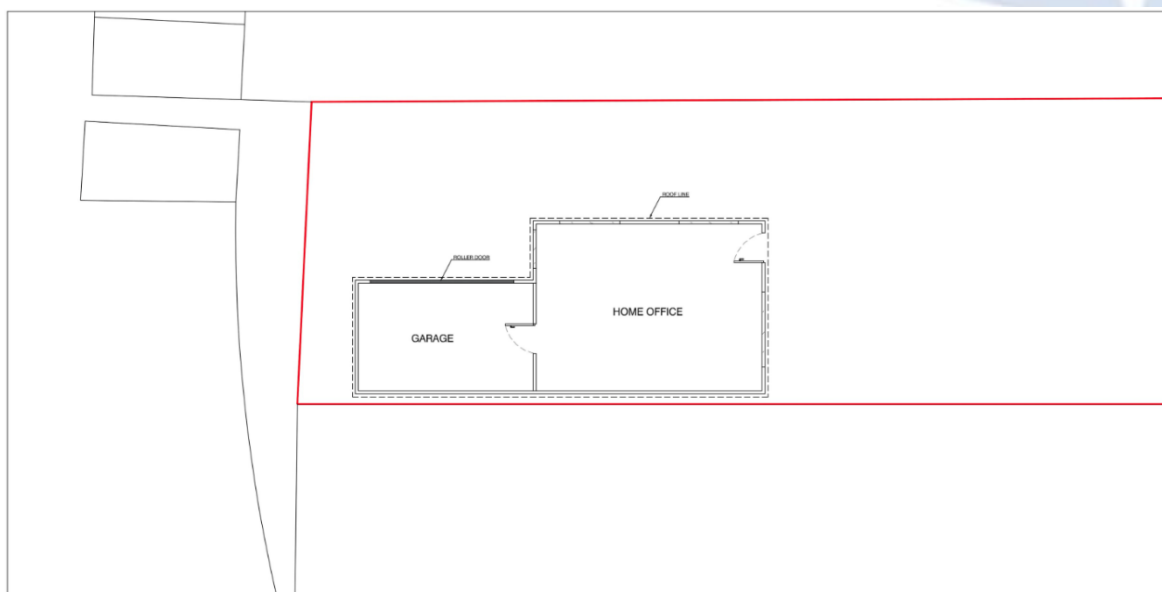
3.1 A thorough search has been conducted on Eastleigh Borough Council's online planning register.

3.2 The following application has been identified and considered relevant to the site:

H/25/99245 (Refused September 2025)

Erection of double garage with home office at the rear of the garden

3.3 The above application featured a detached outbuilding, combining a garage and home office space:



3.4 The application was refused, on the principle of it constituting the creation of a new commercial building within the curtilage of a dwelling. This decision was based upon updated sketch plans which showed goods storage, multiple desks and a demonstration area, more akin to a commercial office space. The impacts of this proposal were deemed unacceptable, with adverse effects from intensification being contrary to Policy DMI of the EBLP 2016-2036.

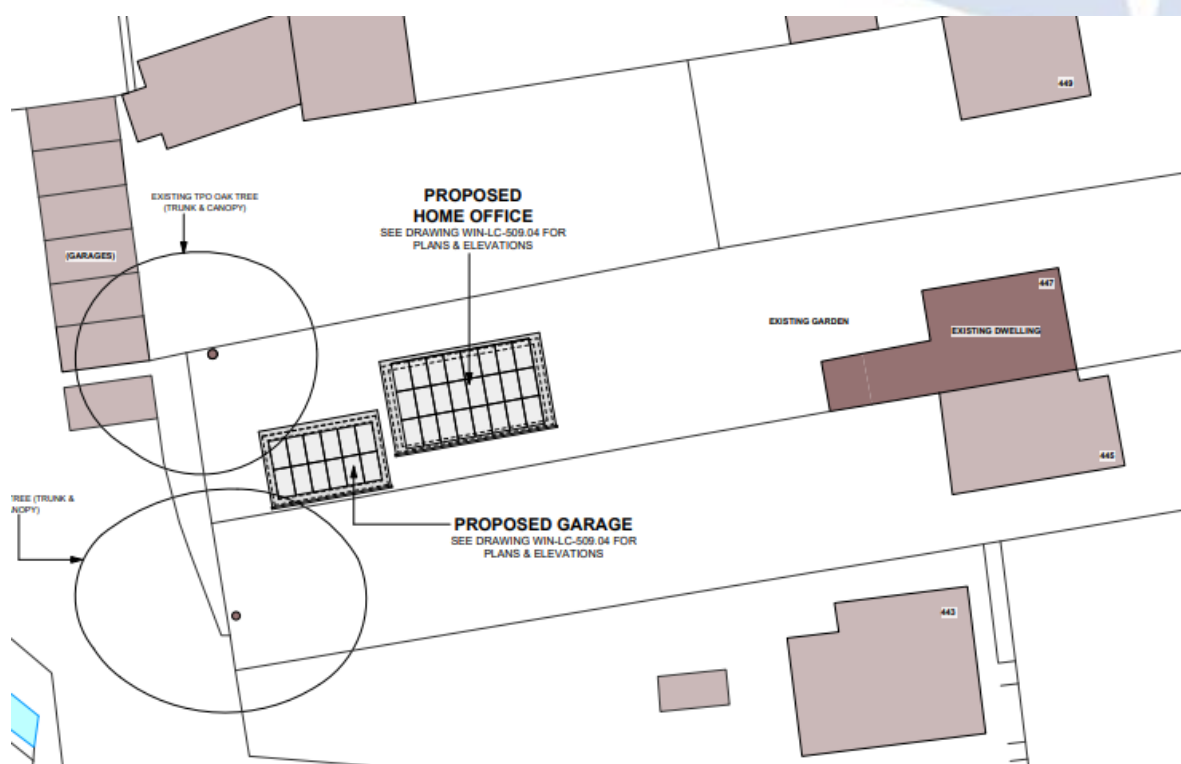
Planning Policy

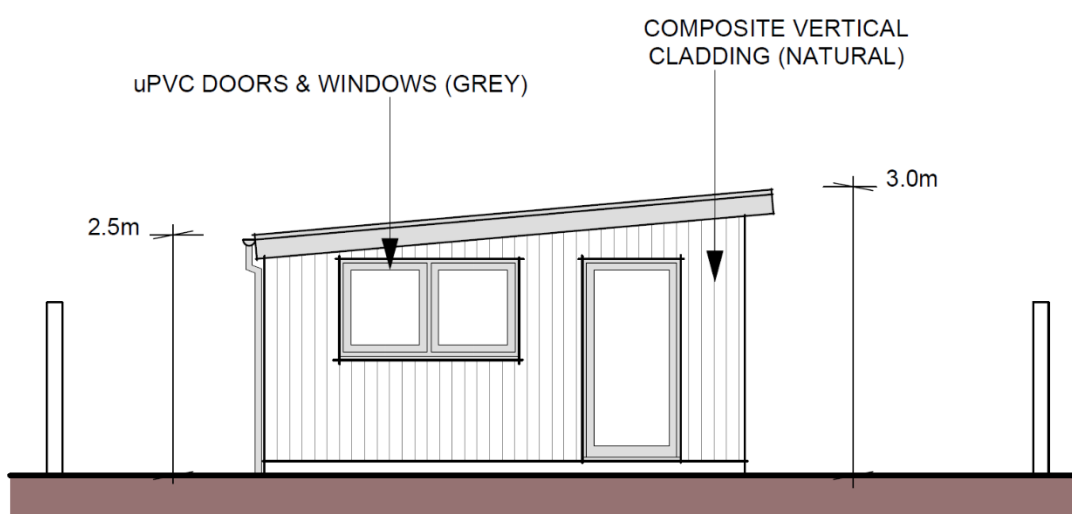
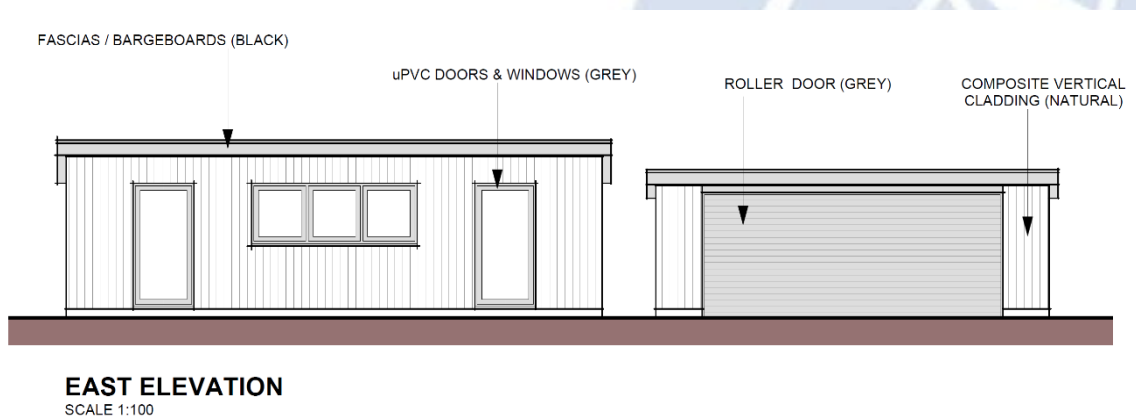
- 3.5 Class E of Part 1 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) grants a national planning permission set by Parliament, meaning that development which complies with its limitations and conditions is lawful without reference to the local development plan. As a result, local plan policies and supplementary guidance are not determinative of whether such development is permitted, because the principle of development has already been established through the GPDO itself. The role of the local planning authority is therefore limited to assessing compliance with the specific criteria of Class E.
- 3.6 No Article 4 Directions affect the site which would otherwise restrict or remove these permitted development rights; nor have any conditions been identified which explicitly remove these rights from the site or dwelling thereon.

SECTION 4

PROPOSAL

- 4.1 The current proposal is for the construction of a home office and garage, to be used ancillary to the enjoyment of the main dwelling. It broadly follows the plans initially forwarded under application H/25/99245 however, the buildings are now separated. The proposed use is as a home office and garage. The design has been amended to comply with the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 4.2 Extracts from the submitted plans are included below (not to scale):





- 4.3 Mr Maxey's intention is to use the new outbuilding for the purposes outlined only. No primary living accommodation is proposed, and the use of the office and garage is both subordinate and incidental to the enjoyment of the main dwelling. Given the planning history of the site, the client wishes to confirm the proposed development as lawful in planning terms.

SECTION 5

PERMITTED DEVELOPMENT CRITERIA

5.1 Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 allows for:

5.2 “The provision within the curtilage of the dwellinghouse of—

(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.”

5.3 Development is not permitted by certain provisions within Part 1, Class E and are subject to conditions.

5.4 A full list of provisions within the above legislation is provided in tabular format below, with an assessment of how the proposal performs against them.

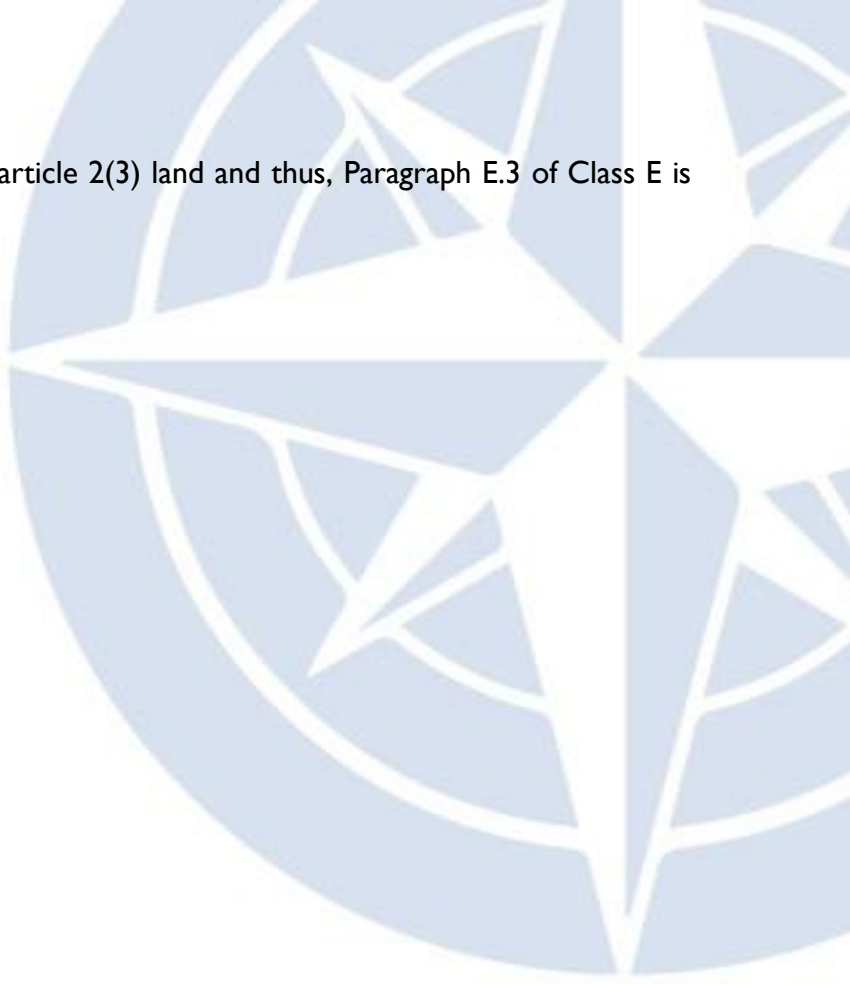
Development is not permitted by Class E if -		How do the proposals accord?	Compliance
a	permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)	The dwelling has not been permitted by virtue of these provisions.	
b	the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the	The area of ground covered by the outbuildings is approximately 14% of the total area of the	

	original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);	curtilage, excluding the original dwelling.	
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 outbuildings are located at the rear of the plot of land, behind the principal frontage of the dwelling	
d	the building would have more than a single storey;	The proposed outbuildings have a single storey	
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 height of the proposed home office building is 3 metres and is set 2.1 metres away from of the western boundary, 2.9 metres from the eastern boundary and 11.1m from the northern boundary. The height of the proposed garage building is 2.5 metres and is set 400mm from the western boundary, 3.5m from the northern boundary and 5.5m from the eastern boundary	

f	the height of the eaves of the building would exceed 2.5 metres;	The height of the home office building eaves is 2.5m. The height of the garage eaves is 2.3m	
g	the building, enclosure, pool or container would be situated within the curtilage of a listed building;	The dwelling is not listed, and the proposals are not considered to be within the curtilage of any nearby listed buildings	
h	it would include the construction or provision of a verandah, balcony or raised platform;	No verandahs, balconies or raised platforms are proposed	
i	it relates to a dwelling or a microwave antenna	The proposed outbuildings are detached from the main dwelling, and a microwave antenna is not proposed	
j	the capacity of the container would exceed 3,500 litres	No fuel or other containers are proposed	
k	the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)	The dwelling was not permitted under Part 20 of Schedule 2	

5.5 The site is not within any designated Conservation Area, National Landscape, National Park or a World Heritage Site and therefore, Paragraphs E.2 and E.3 of Class E are not engaged.

- 5.6 Similarly, the site does not constitute article 2(3) land and thus, Paragraph E.3 of Class E is not triggered.



SECTION 6

CONCLUSION

- 6.1 Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) allows for the erection of buildings for purposes incidental to the enjoyment of the dwellinghouse.
- 6.2 In summary, the proposals constitute permitted development as assessed, fulfilling all relevant criteria within the Order. Therefore, a Certificate of Lawful Development pursuant to Part VII, Section 192 of The Town and Country Planning Act 1990 should be issued in respect of the proposed development.