



Reference: FOI3824

Request:

Can the council planning department please document for me where they measure the height of an outbuilding (CLASS E) when it is a) within 2 meters of a boundary & b) on a sloping ground.

Supporting information:

Extracts from Section E, Page 43 of Permitted development rights for Householders - Technical Guidance (September 2019)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/830643/190910_Tech_Guide_for_publishing.pdf

a) The height of the building, enclosure or container should (recommendation) be measured from the highest ground level immediately adjacent to the building, enclosure, or container to its highest point.

b) If any (unconditional) part of the building, container or enclosure is within 2 metres of the boundary of the curtilage of the house, then the height limit for the total development is restricted to 2.5 metres if it is to be permitted development.

Additional References:

The Town and Country Planning (General Permitted Development) (England) Order 2015

<https://www.legislation.gov.uk/ukxi/2015/596/schedule/2/made>

Class E of part 1 of schedule 2 of the General Permitted Development Order 1995 as amended states outbuildings within 2 metres of a boundary cannot be more than 2.5 metres high.

Planning Portal Mini Guide:

<https://ecab.planningportal.co.uk/uploads/miniguides/outbuildings/Outbuildings.pdf>

Response:

**If any part of an outbuilding is within 2m of a boundary, its height limit is measured from the ground level to its maximum height, as per the advice on page 43 of published Technical Guidance (2019).

(https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/830643/190910_Tech_Guide_for_publishing.pdf) If a building is on sloping ground, the height is calculated as referred to in the Technical Guidance: "The height of the building, enclosure or container should be measured from the highest ground level immediately adjacent to the building, enclosure, or container to its highest point"**

**The technical guidance defines height (page 6) as follows: "Height" - references to height (for example, the heights of the eaves on a house extension) is the height measured from ground level.(Note, ground level is the surface of the ground immediately adjacent to the building in question, and would not include any

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addition laid on top of the ground such as decking. Where ground level is not uniform (for example if the ground is sloping), then the ground level is the highest part of the surface of the ground next to the building.)^{***}

^{**}In practice on a sloping site a building/structure may be lower at one end and higher at another due to the roof design and undulating ground conditions so only part of it exceeds 2.5m above ground level. However, if the structure is within 2m of a boundary and any part is above 2.5m it would not benefit from permitted development rights. In such a case, an application is likely to be requested to regularize works but if none is submitted this does not mean enforcement action would follow and this would be considered on a case by case basis having regard to national planning guidance and an assessment of the extent of harm in each case.^{**}

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