

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended) Section 191/192**

**DELEGATED DECISION FOR APPLICATION FOR CERTIFICATE OF  
LAWFUL DEVELOPMENT**

Reference no.: 2022/CL/90006/E

Site: 21 , Doubting Road, Thornhill, Dewsbury, WF12  
0EU

Description: Certificate of lawfulness for proposed erection of  
shed / outbuilding

Case Officer: Jennifer Booth

**Decision Reference: PROPOSED OPERATIONS GRANT**

**I hereby authorise the approval of this application for the reasons set  
out in the officer's report and recommendation annexed below in  
respect of the above matter.**

Kevin Walton

**AUTHORISED OFFICER**

**Date 28-Feb-2022**

|                     |                                                                                |
|---------------------|--------------------------------------------------------------------------------|
| <b>Reference:</b>   | 2022/CLD/90006/E                                                               |
| <b>Applicant: -</b> | Richard Longley                                                                |
| <b>Location: -</b>  | 21 , Doubting Road, Thornhill, Dewsbury, WF12 0EU                              |
| <b>Proposal: -</b>  | <b>Certificate of lawfulness for proposed erection of detached outbuilding</b> |

### Site Description

21 Doubting Road is a semi-detached brick built dwelling with gardens to the front, side and rear. The property has a single storey extension to the front.

The property is located on a residential street with properties of a similar age and style.

### Application Proposal

The application is for a certificate of lawful proposed development for a detached outbuilding. The onus is on the applicant to provide evidence which states why the proposal fits with the permitted development legislation. In this case, the applicant has stated on the application form that the proposal is permitted development.

The garage would be sited at the side of the property, with a width of 7.4m and a depth of 3.5m with an overall height of 2.5m.

### Relevant Planning History

None – there is a single storey front extension across the full depth of the dwelling for which there is no planning history. This appears to have been built at some point between 2008 (verified by street view) and 2012 (can be seen on Kompass 2012 layer).

### Consultations

This is an application for a Lawful Development Certificate and for this reason, no consultations are necessary.

### Legislation

The application falls to be considered under the relevant legislation as follows:  
-

The Town and Country Planning Act 1990 Section 55 and the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

## **Assessment: -**

The main considerations in the determination of this application are:

1. Whether the proposed development would constitute development as defined section 55 of the Town and Country Planning Act 1990;
1. If so, whether Permitted Development rights apply to the property; and
2. Whether the proposed development falls within permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class E (buildings etc incidental to the enjoyment of the dwellinghouse).

The proposal comprises a detached outbuilding to the side of 21 Doubting Road. Thus, the proposal constitutes the carrying out of building on and over land. As such, it is regarded as development as defined by section 55 of the Town and Country Planning Act 1990.

The application therefore falls to be considered under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class E (buildings etc incidental to the enjoyment of a dwellinghouse).

### **Permitted development – Detached outbuilding**

- A. The certificate of lawful development for the provision of an outbuilding within the curtilage of a dwellinghouse subject to complying with the relevant criteria below.

### **Development not permitted**

E.1 Development is not permitted by Class E if—

- (a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G,M, MA N, P or Q of Part 3 of this Schedule (changes of use).

*Comment* Permission for this dwelling was not granted by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use).

- (b) Any part of the building, enclosure and containers within the curtilage (other than the dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

*Comment* As can be seen from the location plan provided by the applicant, the proposed outbuilding would not take up more than 50% of the area of the curtilage of the dwellinghouse.

- (c) Any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principle elevation of the dwellinghouse.  
*Comment* *The outbuilding is located to the side of the property and is shown to align with the original front elevation of the property.*
- (d) The building would have more than a single storey.  
*Comment* *The outbuilding is a single storey structure.*
- (e) The height of the building, enclosure or container would exceed—  
 (i) 4m in the case of a building with a dual-pitched roof.  
 (ii) 2.5m in the case of a building, enclosure or container within 2m of the boundary of the curtilage of the dwellinghouse; or  
 (iii) 2m in any other case.  
*Comment* *The outbuilding would have a maximum height of 2.5m and is located less than 2m from the boundary of the dwelling.*
- (f) The height of the eaves of the building would exceed 2.5m.  
*Comment* *The structure is proposed to have an eaves height of less than 2.5m.*
- (g) The building, enclosure, pool or container would be situated within the curtilage of a listed building.  
*Comment* *The host property is not listed.*
- (h) It would include the construction or provision of a verandah, balcony or raised platform.  
*Comment* *the plans do not show any verandah, balcony or raised platform.*
- (i) It relates to a dwelling or a microwave antenna.  
*Comment* *no.*
- (j) The capacity of the container would exceed 3500 litres.  
*Comment* *N/A.*
- (k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)  
*Comment* *N/A.*

E.1 Development is not permitted by Class E if—

E.3 – in the case of any land within the curtilage of the dwellinghouse which article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

## **Conclusion**

The proposed outbuilding has been assessed against the relevant legislation, Town and Country Planning (General Permitted Development) Order 2015 (as amended), Schedule 2 Part 1, Class E and it is considered that in this instance, that the proposals would constitute permitted development. As a result, the proposed outbuilding does not require planning permission and the lawful development certificate is therefore granted.

**Recommendation: GRANT certificate**

**Decision Authorisation - Delegated Powers**  
**Application Number:** 2022/90006

**Officer Recommendation:** GRANT certificate

The proposed outbuilding to the side of 21 Doubting Road has been assessed against the relevant legislation and it is considered that the proposal would benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2 Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Plans and specifications schedule: -

| Plan Type          | Reference | Web ID | Date Received |
|--------------------|-----------|--------|---------------|
| Existing site plan | 01        | 911718 | 04/01/2022    |
| Proposed site plan | 02        | 911716 | 04/01/2022    |
| Proposed plans     | 03        | 911715 | 04/01/2022    |

**Report Dated** 11/01/2022