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/94007/E
Site:	80, Station Road, Shepley, Huddersfield, HD8 8DU
Description: rear outbuilding	Certificate of lawfulness for proposed detached
Case Officer**:**	Edward Cheseldine
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 03-Feb-2023

Reference:	2022/94007
Applicant: -	L. Orme
Location: -	80, Station Road, Shepley, Huddersfield, HD8 8DU
Proposal: -	Certificate of lawfulness for proposed detached rear outbuilding

Site Description

80 Station Road is a detached, two-storey property in the village of Shepley. The property is constructed from stone. Within the grounds of the property there is a sizeable rear garden with mature trees. There is currently one outbuilding within the grounds of the property.

The property has not had its Permitted Development Rights removed.

Description of proposal

The application is for a Certificate of Lawful Proposed Development for the proposed erection of a detached rear outbuilding. The onus is on the applicant to provide evidence which states why the proposal fits with Permitted Development legislation. In this case, the applicant has stated on the application form that the proposal is Permitted Development.

The outbuilding is to be 7.0m (W) x 5.1m (L). The height of the outbuilding will be 2.2m to the eaves and 3.5m to the ridgeline of the roof. The roof is proposed to be a dual-pitched roof.

The building will be fully detached and situated in the rear outdoor space of the application site.

History of negotiations/amendments received

No amendments have been necessary.

Relevant Planning History

2020/90724 - Erection of two storey side extension – Full permission granted

Consultation Responses

Kirkburton Parish Council were informed of the development proposals, as such there were no concerns noted of the development.

Legislation

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

Assessment

Principle of Development

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

   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 a dwellinghouse)

The proposal comprises of a detached outbuilding. 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

Schedule 2, Part 1, Class E of the Order sets out the Permitted Development Rights which relates to

'(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". In assessing the proposal against this:

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, PA or Q of Part 3 of this Schedule (changes of use);

The property was not granted permission by any of the above

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);

No more than 50% of the curtilage would be covered by additions

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 building would not be located forward of the principal elevation

d) the building would have more than one storey;

The building would not have more than one 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 outbuilding would be a building with a dual-pitched roof that would not exceed 4m and would be over 2 metres to the boundary of the curtilage of the dwellinghouse.

f) the height of the eaves of the building would exceed 2.5 metres;

The height of the eaves does not exceed 2.5 metres

g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

The building would not be within the curtilage of a listed building

h) it would include the construction or provision of a veranda, balcony or raised platform;

N/A

i) it relates to a dwelling or microwave antenna; or

N/A

j) the capacity of the container would exceed 3,500 litres.

The capacity of the building would not exceed 3,500 litres

E.2 In the case of the any land within the curtilage of the dwelling which is within –

(a) an area of outstanding natural beauty;
(b) the Broads
(c) a National Park; or
(d) a World Heritage Site,

development is not permitted by Class E of the total area of ground covered by buildings, enclosures, pool and containers situation more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

The property is not situated in the above.

E.3 In the case of land within the curtilage of the dwellinghouse which is 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 a side elevation of the dwellinghouse and the boundary of the curtilage of the dwelling.

The property is not situated in a conservation area.

Interpretation of Class E

E.4 For the purposes of Class E, "purpose incidental to the enjoyment of the dwelling house 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.

Conclusion

The proposal has been considered against the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is recommended for approval.

The proposed detached outbuilding benefits 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) (England) Order 2015 (as amended).

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Grouped Plans and Elevations	151-22-PL01_B		14/12/2022
Location Plan	151-22-PL02_A		14/12/2022

Plan Type	Reference	Version	Date Received
Block plan	A1-100 (1)		14/12/2022

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought.