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Planning Development

Planning Statement for a Certificate of Lawful Proposed Development at Shepley Carr House, Carr Lane, Shepley, Huddersfield, HD8 8BR

Introduction

This planning statement accompanies a Certificate of Lawful Proposed Development at Shepley Carr House, Carr Lane, Shepley. The property is a large, detached stone built dwelling located within spacious grounds. A long shared drive leads from Carr Lane to the property. Other than neighbouring dwellings located directly north of the property, the property is surrounded by open fields and countryside.



Shepley Carr House (Front Elevation)

Planning History

2022/90484 – Erection of detached garage – Refused

2021/91059 – Variation of Condition 2 plans on previous permission no. 2019/91556 for erection of extensions and alterations – Approved

2019/91556 – Erection of extensions and alterations – Approved

2006/95372 – Erection of orangery – Approved

It should be noted that Permitted Development Rights in relation to Class E have not previously been removed.

Policy Designation

The property is located within the Green Belt in accordance with the Kirklees Local Plan Policies Map.

The Proposals

The proposed development is for the erection of a detached garage. The garage would be located directly west of the main house. The garage would measure 6.6m (l) by 6.6m (w). The garage would have a pitched roof with the height to the ridge measuring 4m. The garage would be constructed using coursed natural stone with a natural blue slate roof. A Hormann Sectional overhead door is proposed on the front elevation and a pedestrian timber door is proposed on the east elevation.

Class E Permitted Development

This application is made under Class E, Schedule 2, Part 1 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended). The reasons the proposal is considered to be permitted development are as follows, dealing with each of the conditions/restrictions in Class E in turn (responses in blue):

Class E – buildings etc incidental to the enjoyment of a dwellinghouse

Permitted development

E. 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.

The proposed development is for a domestic garage which is required for a purpose incidental to the enjoyment of the dwellinghouse.

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

The building was built as a dwellinghouse and has remained a dwellinghouse since its erection.

- b) The total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

Shepley Carr House is a large, detached dwelling situated within very spacious grounds as shown on the Location Plan and Proposed Layout Plan. As such, the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage with the addition of the proposed garage.

- 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 principal elevation of Shepley Carr House faces south. As the Proposed Layout Plan demonstrates, the proposed garage would not extend further forward than the principal elevation. The proposed garage would be situated to the west of the main house but set back from the principal/front elevation.

- d) The building would have more than a single storey;

The proposed garage is single storey only.

- 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 curtilage of the dwellinghouse, or
 - iii) 3 metres in any other case;

Under Section 2 of the GPDO 2015 (Interpretation), paragraph 2 states:

“Unless the context otherwise requires, any reference in this Order to the height of a building or of plant or machinery is to be construed as a reference to its height when measured from ground level; and for the purposes of this paragraph “ground level” means the level of the surface of the ground immediately adjacent to the building or plant or machinery in question or, where the level of the surface of the ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it.”

The Technical Guidance for permitted development rights for householders confirms this:

“references to height 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 addition laid on top of the ground such as decking. Where the 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).”

The proposed garage would have a dual-pitched roof, the height of which would not exceed 4 metres when measured from ground level. The garage would also not be constructed within 2 metres of the curtilage of the dwellinghouse (see Proposed Site Sections Plan).

- f) The height of the eaves of the building would exceed 2.5 metres;
As shown on the Proposed Site Sections Plan, the height of the eaves on the garage would not exceed 2.5 metres.

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

The building is not listed.

- h) It would include the construction or provision of a verandah, balcony or raised platform;

The proposals do not include a verandah, balcony or raised platform.

- i) It relates to a dwelling or a microwave antenna;

The proposal is for a garage and not a dwelling nor a microwave antenna.

- j) The capacity of the container would exceed 3,500 litres; or

The proposal does not relate to a container.

- k) The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

The dwellinghouse was not built under Part 20 of this Schedule.

E.2 This section relates to dwellinghouses within an area of outstanding beauty, the Broads, a National Park or a World Heritage Site and therefore does not relate to this application.

E.3 This section relates to dwellinghouses on article 2(3) land. The proposed garage relates to a dwellinghouse not on article 2(3) and therefore this section does not apply.

Conclusion

Based on fulfilling the above criteria, it is considered that the proposed development falls under Class E (permitted development) on the balance of probabilities, and we respectfully request that this application for a Certificate of Lawful Proposed Development is granted accordingly.

Please do not hesitate to contact us should you have any queries.

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January 2023