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.: 2024/CL/91036/W

Site: 28, Rafborn Grove, Salendine Nook, Huddersfield, HD3 3UB

Description: Certificate of lawfulness for proposed erection of single storey outbuilding to rear

Case Officer**:** Charlotte Dixon

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.

Lee Stoney

AUTHORISED OFFICER

Date 06-Jun-2024

Officer Report

Site Description

28, Rafborn Grove is a two-storey, semi-detached dwelling constructed of brick with a facing stone to the front façade. The property benefits from a drive to the front and a large garden to the rear.

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

Description of Proposal

The application is for a certificate of lawful proposed development for the proposed erection of a single storey outbuilding to the rear.

The outbuilding would be located to the rear (north-west) of the property and would have a total width of 4.5 metres, a total depth of 12 metres and have a total height of 2.5 metres. The applicant states that the roof of the outbuilding is to be a flat roof. The outbuilding is to be used for domestic storage.

The applicant has not stated what materials will be used to construct the outbuilding.

The property has not had its pd rights removed.

History of negotiations/amendments received

Clarification of the height and design of the building was sought and the agent provided this information via plan on the 5th June 2024.

Relevant Planning History

2024/90581- "The proposal is for erection of single storey rear extension. The extension projects 6m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 3m, the height of the eaves of the extension is 3m"- Prior approval not required

Consultation Responses

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

Assessment

Applications for Certificates of Lawful Developments for the erection of outbuildings to dwellings are assessed against the general permission conferred by The Town and Country (General Permitted Development)

(England) Order 2015 (as amended)

Schedule 2, Part 2, 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);

Comment: *permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class* G, M, MA, N, P, PA or Q of Part 3 of this Schedule.

(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);

Comment: *the total area of ground covered by the building would not exceed 50% of the total area of the curtilage.*

(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;

Comment: *the proposal shall be in the garden to the rear of the dwelling; therefore, the proposal would not be situated on land forward of a wall forming the principal elevation of the original dwellinghouse.*

(d) the building would have more than a single storey;

Comment: *the proposal is single storey in height*

(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;

Comment: *the building is proposed to be a height of 2.5 metres and therefore does not exceed the above.*

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

Comment: *the proposed building is to be a maximum height of 2.5 metres and has a flat roof, therefore the eaves will not exceed the above.*

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

Comment: *the building would not be situated within the curtilage of a listed building.*

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

Comment: *the proposal does not include the construction or provision of a verandah, balcony or raised platform.*

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

Comment: *the proposal does not relate to a dwelling or microwave antenna.*

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

Comment: *the proposal does not exceed capacity.*

(k)the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Comment: *N/A*

E.2 In the case of any land within the curtilage of the dwellinghouse 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 if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

Comment: *the proposal is not within the curtilage of those listed above.*

E.3 In the case of any 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 dwellinghouse.

Comment: *the dwellinghouse is not located on article 2(3) land.*

Conclusion

The proposal outbuilding as shown on the submitted plans listed in this decision notice and to be used for purposes incidental to the enjoyment of the dwellinghouse at 28 Rafborn Grove benefits from general planning permission granted by virtue of Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Recommendation: Grant certificate

Decision Authorisation - Delegated Powers

Application Number: 2024/91036

Officer Recommendation: Grant certificate

The proposal outbuilding as shown on the submitted plans listed in this decision notice and to be used for purposes incidental to the enjoyment of the dwellinghouse at 28 Rafborn Grove benefits from general planning permission granted by virtue of Schedule 2, Part 1 (Development within the curtilage of a dwelling house), 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
ODS_23- 793_28 Rafborn Grove- (EX)004- Lawful Development- P01	-	-	12/04/2024
Location Plan	-	-	12/04/2024
ODS_23-739_28 Rafborn Grove- (SK) 007- Outbuilding General Arrangement- P01	-	-	05/06/2024

Report Dated: 05/06/2024