ACUMEN
Designers & Architects

HG/JC/2912

18th June 2024

Kirklees Council
Development Management
PO Box B93
Huddersfield
HD1 2JR

Dear Sir/Madam

Erection of Pergola at Windmill, Farm, Windmill Lane, Cumberworth, Huddersfield, HD8 8YD

Please find enclosed a planning application for the erection of a pergola to the rear of Windmill Farm, Windmill Lane, Cumberworth.

Whilst it is clear the permitted development rights for householders do not include verandas, it is not clear whether this extends to pergolas, that are similar structures to verandas, but not attached to the main dwelling.

We are also mindful that the location of the proposed pergola falls outside the land included within the site (red line) when the host building secured planning permission in 1988. Notwithstanding this, the land on which the pergola is to be sited has been used for land that is incidental to the enjoyment of the dwelling since before 2009 and we therefore believe this land is immune from enforcement action and therefore has deemed planning consent for use of land that is incidental to the enjoyment of the dwelling.

The photo montage below shows Google Earth and Google Street View photographs that show the land has been used for domestic purposes since at least 2009. We therefore conclude that this pergola is situated on land that is incidental to the enjoyment of the dwelling.

I hope you agree that the information above and the attached plans are sufficient for you to validate and subsequently approve this planning application.

Yours faithfully

Hamish Gledhill BSc (Hons), Dip TP, MRTPI

Photos showing the use of the land for domestic purposes.

Photo 1: Google Earth Aerial Photograph – January 2003

Site before land was used for domestic purposes - incidental to the enjoyment of the dwelling

[redacted]

Photo 2: Google Earth Aerial Photograph – May 2009

Site as land incidental to the enjoyment of the dwelling

[redacted]

Photo 3: Google Earth Aerial Photograph – April 2018

Site as land incidental to the enjoyment of the dwelling

[redacted]

Photo 4: Google Street View Photograph – September 2009

Site as land incidental to the enjoyment of the dwelling

Photo 5: Google Street View Photograph – Mat 2023

Site as land incidental to the enjoyment of the dwelling

[redacted]