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.:	2025/CL/90319/E
Site:	9, Long Moor Lane, Shelley, Huddersfield, HD8 8LY
Description:	Certificate of lawfulness for proposed erection of outbuilding
Case Officer**:**	Charlotte Hancock
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 08-Apr-2025

Officer Report

Site Description

9 Long Moor Lane is a detached bungalow finished in a mixture of cream render and red brick. The site is located in the Green Belt and is surrounded by open fields. The site is located within a Bat Alert area. The property benefits from an enclosed garden to the front and rear, as well as a long driveway to the east of the site.

Description of Proposal

The application is for a certificate of lawfulness for proposed erection of outbuilding

The outbuilding would have a dual-pitched roof with an overall height of 4 metres and be 2.4 metres to the eaves. The outbuilding is proposed to have a width of 9 metres and length of 10.3 metres.

The outbuilding will be constructed of a mixture of brick and render.

Permitted development rights in relation to the proposal have not been removed.

History of negotiations/amendments received

N/A

Relevant Planning History

2024/92572- The proposal is for erection of single storey rear extension. The extension projects 8m beyond the rear wall of the original dwellinghouse. The maximum height of the extension is 4m, the height of the eaves of the extension is 3m- Not Required

2024/92573- Prior approval for enlargement of dwellinghouse by erection of additional storey- Details approved

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 grated 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 have a dual-pitched roof with a ridge height of 4 metres.*

(f) the height of the eaves of the building would exceed 2.5 metres;
Comment: *the outbuilding is proposed to have an eaves height of 2.4 metres.*

(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: *N/A*

(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 proposed outbuilding as shown on the submitted plans listed in this decision notice 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) and is recommended for approval.

Recommendation: Grant certificate

Decision Authorisation - Delegated Powers

Application Number: 2025/90319

Officer Recommendation: Grant certificate

The proposed single storey outbuilding to be used for purposes incidental to the dwellinghouse benefits from 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
Location Plan	287-24-PL01	-	30/09/2024
Site plan	HADL_32_Long Moor Lane	-	30/09/2024
Application form	1075794	-	30/09/2024
Proposed outbuilding, Layout, Elevations and Site Plan	287-24-PL04	C	22/11/2024

Report Dated: 04/04/2025