



use of outbuilding justification statement

application: Certificate of Lawfulness for existing use of outbuilding the “Chicken Shed” for purposes incidental to the enjoyment of the dwelling Upper House, Upper House Road, Little Cake Lane, Hade Edge, Holmfirth, West Yorkshire HD9 1RW

applicants: Mr D and Mrs J Mason

document nr: 24010JS – Mason – Upper House – Use of Outbuilding Justification

date: 11 July 2025

1. Mr and Mrs Mason have lived at Upper House, Upper House Road for 49 years, since June 1976.
2. Upper House is a smallholding and had various outbuildings that both the previous owners and Mr and Mrs Mason have used for keeping livestock.
3. Many of the outbuildings were just wooden buildings, the majority of which have now disappeared, with the exception of one, which is used as a field shelter and store. Of the few that were stone built the applicants have kept and initially used as intended.
4. The outbuilding which is subject of this application for a Certificate of Lawfulness, is known as the “Chicken Shed”, and was used as the name suggests, as well as being used to store feed and hay.



5. The other remaining outbuilding is known as the “Mistal” and this was used for cows and then more recently as a store and workshop, as was required for managing a property of this size and diversity. The applicants have also had sheep on the fields from time to time. Over the years both the buildings have housed various animals and had various uses.
6. As the keeping of livestock diminished, the applicants two sons used the “Chicken Shed” as an extension to the house; as a den, and as they grew older for parties and sleepovers, and latterly for overnight stays with their friends when visiting for walking and climbing in the area.
7. Although the accommodation is basic, the “Chicken Shed” is connected to the large septic tank, water and electricity.
8. It has a small kitchen and a stove – see supplementary evidence “photos of annex”



9. The building was fitted with four domestic style rooflights, which can be seen on the Google Earth Pro screenshot below, dated December 2002.



10. New UPVC domestic style windows and a new door were installed in the building in 2003. Along with the digging out of the existing floor and a new concrete floor being laid, see supplementary evidence of invoice from Robert M. Coxhead Builder for this work, dated 26 July 2003.
11. The “Chicken Shed” been used for a long number of years (pre-2003) as an annex to the main dwelling. Therefore, well exceeding the 10-year rule set out in Section 171B of the Town and Country Planning Act 1990.

“Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of—

***[F3(a)]**in the case of a breach of planning control in England, ten years beginning with the date of the breach”*

12. The current use remains as domestic storage and annex accommodation – see supporting photos.
13. The applicants seek the Councils confirmation that the use of the “Chicken Shed” is lawful as domestic use for purposes ancillary to the enjoyment of the dwelling at Upper House, Upper House Road, Little Cake Lane, Holmfirth, HD9 1RW, by reason of continuous and uninterrupted residential use for in excess of 10 years prior to the date of this justification statement. The application is submitted to obtain a Lawful Development Certificate for the continuation of use of the building.

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