

Lawful Development Certificate Supporting Statement

Proposal: Erection of an Outbuilding within Residential Curtilage

Site Address: Summerhill, 86 Hopton Lane, Lower Hopton, Mirfield, WF14 8JS

Applicant: Mr & Mrs Gordon

Local Planning Authority: Kirklees Metropolitan Council

1. Introduction

This statement is submitted in support of an application for a Lawful Development Certificate (LDC) for the erection of a domestic outbuilding within the rear garden of the above property.

The proposal has been assessed against the provisions of **Schedule 2, Part 1, Class E** of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and fully complies with the relevant limitations and conditions.

2. Site Context

The property, *Summerhill*, 86 Hopton Lane, is a residential dwelling located in Lower Hopton, Mirfield. The site benefits from a substantial garden area to the rear with an overall plot size of 6186sqm

The property is not a listed building and is not located within a conservation area, Area of Outstanding Natural Beauty, National Park, World Heritage Site, or other designated land where permitted development rights are restricted.

3. Description of Proposed Development

The proposal seeks the erection of a **single-storey, flat-roofed outbuilding** within the curtilage of the dwellinghouse.

Key specifications:

- **Use:** Incidental to the enjoyment of the dwellinghouse (hydrotherapy pool, sensory room, and store/plant room).
- **Siting:** Located to the western boundary to the rear of the dwelling, set back from the principal elevation.
- **Distance from boundaries:** More than 2m from all boundaries.
- **Height:** Maximum overall height of 3m
- **Roof:** Flat roof.
- **Materials:** Brickwork to match the existing dwelling.

The outbuilding will not constitute self-contained living accommodation and will remain wholly ancillary to the main dwellinghouse.

4. Commensurability

- Plot size: 6,186m²
- Main dwelling footprint: 152m²
- Outbuilding footprint: 189m²

The outbuilding equates to just 3.1% of the plot area, and 1.25x the footprint of the dwelling. This proportion is commensurate with the curtilage and justified by the therapy/recreation function. The combined area of buildings on site equates to 5.6% of the plot area

Use will be daily therapy sessions for the granddaughter's health needs, alongside family recreation at weekends—clearly integral to the household's enjoyment

5. Incidental Use Justification

The proposed outbuilding is to be used as a **hydrotherapy pool and sensory room** to support the applicant's grandchild, who has additional needs.

This use is entirely **incidental to the enjoyment of the dwellinghouse**. The facility will provide therapeutic, recreational, and wellbeing benefits for the family within their domestic curtilage.

The outbuilding will not contain any facilities for independent living (such as a kitchen, bedroom, or separate access) and will not be occupied as a self-contained residential unit. Nor will it be used for any commercial purpose.

Accordingly, the proposed use satisfies the definition of "incidental to the enjoyment of the dwellinghouse" as required by **Class E of the GPDO**.

- Sensory Room (7.1m x 7.9m): to support daily therapy for a dependent family member with autism and additional needs, with sensory lighting, sound equipment and circulation space.
- Pool Area (7.1m x 12m): a modest domestic pool (approx. 5m x 11m, 1.5m depth) with space for hoist equipment, plant and safe access.
- Shower/Changing Room (1.6m x 3m) and Store/plant room (2m x 3.1m): ancillary facilities necessary for pool use.

6. Plant Room/Storage Justification

The proposal also includes a **plant room/storage** to serve the hydrotherapy pool. The size of this element is determined solely by technical and safety requirements, in order to house the necessary pool filtration equipment, pumps, and the associated heating system.

The plant room is not intended for any habitable or independent use and will function only as a service space for the safe operation of the hydrotherapy pool. Its inclusion is therefore an **integral and incidental part** of the overall outbuilding use.

7. Sensory Room Justification

The proposed sensory room requires a 7.1m x 7.9m space to accommodate a safe, functional, and therapeutic environment for a child with additional needs. This size allows for the inclusion of essential sensory equipment—such as soft play zones, movement and lighting features, and calming areas—while maintaining adequate circulation space for mobility aids and adult supervision. A smaller area would restrict the range of sensory activities and compromise safety, accessibility, and the room's therapeutic effectiveness. The 7.1m x 7.9m footprint therefore ensures the room meets the child's sensory, physical, and emotional needs

8. Compliance with Class E (GPDO 2015)

The proposal satisfies the conditions and limitations of **Class E** as follows:

- The building is within the curtilage of the dwellinghouse.
- It will be used for purposes incidental to the enjoyment of the dwellinghouse.
- It is not sited forward of a wall forming the principal elevation.
- It is more than 2m from all boundaries, with a maximum overall height of 3m (within the GPDO limit for flat-roofed buildings).
- The total area of ground covered by buildings, enclosures, and does not exceed 50% of the curtilage.
- The proposal is not within the curtilage of a listed building.
- The site is not on designated land subject to additional restrictions.

On this basis, the development clearly falls within permitted development rights.

9. Policy context (supportive but not determinative)

- Kirklees Local Plan (LP24, LP47): promotes high-quality design and facilities that enhance health, wellbeing and inclusive lifestyles.
- NPPF (Dec 2024, Ch.8): encourages development that supports health and safe communities, particularly for those with disabilities.

Although policy is not the test for an LDC, these points demonstrate the proposal is fully aligned with local and national objectives.

10. Response to Refusal

The previous refusal stated:

“The proposed outbuilding does not benefit from a general planning permission granted under Article 3(1) and Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the eaves of the building would be more than 2.5 metres which is contrary to sub-paragraph E.1(f) of Class E.”

This conclusion is incorrect.

- The proposed outbuilding is located more than 2 metres from any boundary.
- Under **Class E.1(e)**, the maximum overall height for a flat-roofed outbuilding in this position is **3 metres**. The proposal is within this limit.
- The Government’s **Permitted Development Rights for Householders: Technical Guidance (2019, p.41–43)** makes clear that the 3m overall height limit applies where the building is more than 2m from a boundary. The proposal fully accords with this guidance.
- “5) Height limits Outbuildings must be single storey with a maximum overall height of 4 metres with a dual pitched roof, or three metres in any other case.”

Accordingly, the development complies with both Class E.1(e) and Class E.1(f). The refusal reason therefore misapplies the GPDO and should be set aside.

11. Conclusion

The proposed single-storey, flat-roofed outbuilding at *Summerhill, 86 Hopton Lane, Lower Hopton, Mirfield, WF14 8JS* complies fully with the requirements of **Schedule 2, Part 1, Class E** of the GPDO.

The intended use as a hydrotherapy pool and sensory room, with an associated plant room, is incidental to the enjoyment of the dwellinghouse and does not constitute a separate planning unit or commercial activity.

It therefore constitutes permitted development, and it is respectfully requested that Kirklees Metropolitan Council issue a **Lawful Development Certificate** confirming its lawfulness.

Statement of Incidental Use

Application for Certificate of Lawfulness – Outbuilding at Summerhill.

I confirm that the proposed outbuilding, measuring 7.8m x 24.175m with a flat roof $\leq 3.0\text{m}$ high, will be used for the following purposes:

- Hydrotherapy and sensory room (7.1m x 7.9m) for daily therapy sessions to support a dependent family member with autism and additional needs.
- Pool room (7.1m x 12m) containing a small domestic pool (approx. 5m x 11m, 1.5m depth), with associated hoist, plant, and safe circulation space.
- Shower/changing room (1.6m x 3m) and store (2m x 3.1m), ancillary to pool use.

The building contains **no kitchen, bedroom, or living accommodation**, and is not capable of independent occupation. It will be used exclusively in connection with the enjoyment of the dwellinghouse and family life at Summerhill, Hopton Lane, Mirfield.

Applicant: Mr & Mrs Gordon

Date: 21/10/2025
