

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 all 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 rear garden, with an overall plot size of **6,186 sqm**.

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 any other form of designated land where permitted development rights are restricted.

3. Description of Proposed Development

The proposal seeks the erection of a **single-storey outbuilding with a dual-pitched roof** within the curtilage of the dwellinghouse.

Key specifications:

- **Use:** Incidental to the enjoyment of the dwellinghouse (hydrotherapy pool, garage, shower/changing facilities, and plant/store room).
- **Siting:** Located to the western boundary to the rear of the dwelling, and set back from the principal elevation.
- **Distance from boundaries:** More than 2 metres from all boundaries.
- **Eaves height:** 2.475 metres.
- **Maximum overall height:** 4.0 metres.
- **Roof:** Dual-pitched roof.
- **Overall floor area:** 179 sqm.
- **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:** 6,186 sqm
- **Main dwelling footprint:** 152 sqm
- **Outbuilding footprint:** 179 sqm

The outbuilding represents approximately **2.9% of the total plot area**. Given the exceptionally large residential curtilage, this scale is proportionate and visually subordinate within the site.

The combined footprint of buildings on the site equates to approximately **5.4% of the overall plot area**, which remains well below the 50% threshold set out under Class E of the GPDO.

5. Incidental Use Justification

The proposed outbuilding is intended to provide facilities that are clearly incidental to the enjoyment of the dwellinghouse, including a hydrotherapy pool, garage, and associated ancillary spaces.

The building will not include any facilities for independent living, such as a kitchen, bedroom, or *separate access capable of independent occupation, and will not be used for any commercial purpose*.

Accordingly, the proposal satisfies the definition of development “incidental to the enjoyment of the dwellinghouse” as required by Class E of the GPDO.

Internal accommodation includes:

- **Garage (7.1m x 6.7m):** for the parking of domestic vehicles and storage ancillary to the household.
- **Pool Area (7.1m x 12m):** containing a modest domestic hydrotherapy pool (approx. 5m x 11m, 1.5m depth) with circulation space, hoist equipment, and associated plant.
- **Shower/Changing Room (1.6m x 3m) and Store/Plant Room (2m x 3.1m):** ancillary facilities necessary for the safe and effective operation of the pool.

6. Plant Room / Storage Justification

The proposal includes a dedicated plant room and storage area required to house filtration equipment, pumps, and heating systems associated with the hydrotherapy pool.

This space is dictated by technical and safety requirements and is not intended for any habitable or independent use. Its inclusion is **integral and incidental** to the functioning of the pool and therefore compliant with Class E.

7. Compliance with Class E (GPDO 2015)

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

- The building is located 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 2 metres from all boundaries.
- It is single-storey with a **dual-pitched roof**, a **maximum eaves height of 2.475m**, and a **maximum overall height of 4.0m**, fully compliant with Class E.1(e).
- The total area of ground covered by buildings does not exceed 50% of the curtilage.
- The dwelling is not listed, and the site is not on designated land.

The proposal therefore benefits from permitted development rights.

8. Policy Context (Supportive but Not Determinative)

While policy considerations are not determinative for an LDC, the proposal aligns with:

- **Kirklees Local Plan (LP24, LP47)**: promoting high-quality residential environments and facilities that enhance health, wellbeing, and inclusive lifestyles.
- **NPPF (December 2024, Chapter 8)**: supporting development that contributes positively to health and safe communities.

9. Response to Previous Refusal

The previous refusal stated that the proposal failed to comply with Class E due to eaves height exceeding 2.5 metres.

The amended proposal addresses this matter fully:

- The outbuilding is located more than 2 metres from all boundaries.
- The **eaves height is 2.475 metres**, below the 2.5m threshold in Class E.1(f).
- The building has a **dual-pitched roof** with a maximum overall height of **4.0 metres**, fully compliant with Class E.1(e).
- The Government's *Permitted Development Rights for Householders: Technical Guidance* confirms that a 4m overall height is permitted for dual-pitched roofs where the building is single storey.

The amended scheme therefore fully accords with the GPDO.

10. Conclusion

The proposed single-storey outbuilding with a dual-pitched roof at *Summerhill, 86 Hopton Lane, Lower Hopton, Mirfield* complies fully with the requirements of Schedule 2, Part 1, Class E of the GPDO.

Its scale, siting, height, and incidental domestic use are lawful and do not result in a separate planning unit or commercial activity.

It is therefore respectfully requested that Kirklees Metropolitan Council grant a Lawful Development Certificate confirming the proposal as lawful.

Statement of Incidental Use

Application for Certificate of Lawfulness – Outbuilding at Summerhill

I confirm that the proposed outbuilding, measuring approximately **179 sqm** with a **dual-pitched roof**, **eaves height of 2.475m**, and **maximum overall height of 4.0m**, will be used for the following purposes:

- **Garage (7.1m x 6.7m)** for domestic vehicle parking and household storage.
- **Hydrotherapy pool room (7.1m x 12m)** containing a modest domestic pool with associated hoist, plant, and circulation space.
- **Shower/changing room (1.6m x 3m)** and **store/plant room (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.

REDACTED