

PLANNING STATEMENT

PROJECT TITLE

CERTIFICATE OF PROPOSED LAWFUL DEVELOPMENT FOR ERECTION OF A DETACHED GARAGE WITHIN REAR GARDEN

at 24 STRINGER HOUSE LANE, EMLEY, HUDDERSFIELD, HD8 9SU

JOB NUMBER

2441

CLIENT

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DATE

March 2026

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1. INTRODUCTION / LEGISLATION

This statement has been prepared to support the submission of an application for a certificate of proposed lawful development under section 192 of the town and country planning act 1990.

Section 192 sets out that if any person wishes to ascertain whether any operations proposed to be carried out in, on, over or under land, would be lawful, they may make an application for the purpose to the local planning authority specifying the land and describing the operations in question.

If, on an application under this section, the local planning authority are provided with information satisfying them that the operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that effect; and in any other case they shall refuse the application.

This document, along with the submitted plans, clearly specifies the land and building operations in question. It also demonstrates that the operations in question are lawful as they constitute permitted development as defined by the Town and Country Planning (General Permitted Development) (England) Order (The GPDO).

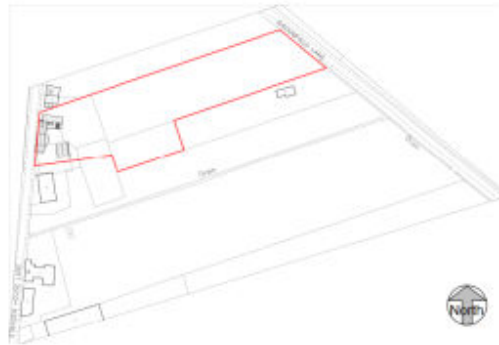
A certificate should therefore be granted.

An application for the same proposals for a certificate of lawful development for a detached garage (reference 2023/CL/90973/E). That application was approved as the LPA considered that the proposed garage acceptable.

This application seeks to apply for what could be basically considered as a non-material amendment in respect to a change of proposed external materials, from what was previously approved. No other further changes are proposed, other than minor external details and material selection.

2. THE SITE

The application site is at 24 Stringer House Lane. The site comprises of a detached dwelling house, hard surfaced parking and access area and substantial rear gardens



3. THE DEVELOPMENT

As previously discussed, this certificate is made for a proposed lawful development comprising of building operations.

The following building operations are proposed:

- A detached double garage with attached garden store positioned to the rear of the host dwelling within the existing parking/rear garden area.

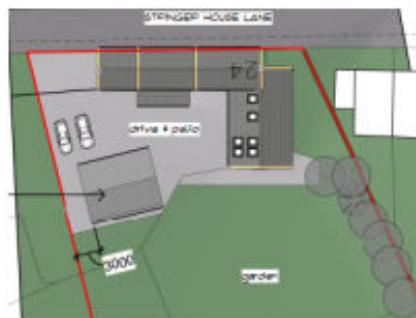
As is discussed in more detail below, the use of the building, along with its size and position meets all the criteria of Class E of Part 1 of the General Permitted Development Order.

4. PERMITTED DEVELOPMENT

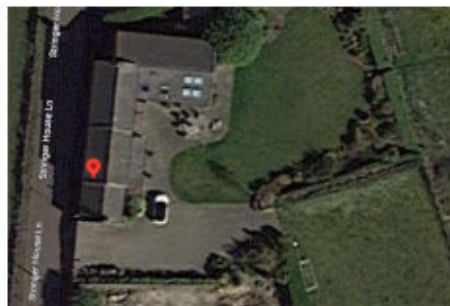
Curtilage

Class E allows for the provision of a building within the curtilage of a dwellinghouse.

The location of the proposed garage as shown on the plan extract below, is to be sited on the hard surfaced/garden area immediately to the rear of the host dwelling:



As the aerial photograph below confirms, this area is an integral part of the curtilage of the host dwelling:



This space is part of the parking and access area and continues into the main rear garden space. There is no subdivision between the dwelling and this area, or this area and the rest of the garden. It is clearly part of the residential curtilage.

The proposed garage is unquestionably within the curtilage of the host dwelling at 24 Stringer House Lane.

Use

Class E allows for the provision of an outbuilding required for a purpose incidental to the enjoyment of the dwellinghouse. The proposed building would provide garaging for two cars and a small garden store. These are clearly purposes incidental to the enjoyment of the dwelling house at 24 Stringer House Lane.

The proposed building is therefore categorically within the curtilage of the dwellinghouse and would be for a purpose incidental to the enjoyment of the dwelling house. The proposal is permitted development provided that the thresholds set out within Class E are not exceeded. The garage has been designed to ensure that the terms of Class E are all met, as set out in detail below.

Class E Thresholds

Development is not permitted by Class E if any of the following apply:

- permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

This does not apply to 24 Stringer House Lane.

- 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);

As the submitted plans clearly demonstrate, the garage would cover well below 50% of the total area of the curtilage.

- 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;

The garage is to be located to the rear of the dwelling house and not forward of the principal elevation. Please refer to the relevant section further below for a more detailed discussion regarding the principal elevation

- the building would have more than a single storey.

The building is of single storey height, as clearly indicated on the submitted plans.

- 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;

As indicated on the submitted plans, the building has a dual pitched roof, a maximum height of 4 metres and is 3 metres away from the nearest boundary (i.e., it is not within 2 metres of the boundary).

- the height of the eaves of the building would exceed 2.5 metres;

As indicated on the submitted plans, the height of the eaves is to be 2.5 metres.

- the building, enclosure, pool or container would be situated within the curtilage of a listed building;

24 Stringer House Lane is not a listed building.

- it would include the construction or provision of a verandah, balcony or raised platform;

As the submitted plans show, the development does not include any of these features.

- it relates to a dwelling or a microwave antenna;

The development does not relate to a dwelling or a microwave antenna.

- the capacity of the container would exceed 3,500 litres.

The development does not relate to a container.

- the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

The dwellinghouse was not built under part 20.

Paragraphs E.2 and E.3 relate to article 2(3) land and are not relevant to this site.

The proposed garage is, therefore, permitted development as defined by Class E of Par1 of Schedule 2.

Note on Principal Elevation

As referred to above, development is not permitted by Class E for an outbuilding that would be forward of the principal elevation of the host dwelling. The government's Permitted development rights for householders: technical guidance document discusses the meaning of 'principal elevation' and states that:

"In most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house."

The guidance goes on to clarify that there can only ever be one principal elevation on a house.

The key defining characteristic of a principal elevation is that it fronts the main highway serving the house. Secondary indicators are architectural detailing and forming the front of the house.

24 Stringer House Lane is slightly anomalous in that the main architectural detailing is not on the front of the house. The west facing elevation has a roadside frontage and it is abundantly clear that the west elevation is the one that fronts the main highway serving the house (Stringer House Lane). The western elevation is also clearly the front of the house, with the private garden space being to the rear on the eastern side of the building.

There can be no reasonable doubt that the eastern elevation is the rear elevation, and the domestic curtilage to the east of the building is also to the rear.

Two of the three indicators for a principal elevation (i.e., fronting the road and forming the front of the house) therefore show that the west facing elevation is the principal elevation. The fronting of the road is identified as the key indicator. The fact that the eastern elevation contains more architectural detailing does not, therefore, trump the other indicators, especially with the facing of the road being the indicator that should be given most weight.

A Development Control Practice article (12.8115) in discussion of the issue of defining principal elevations sensibly and logically notes that "the intention (of not allowing development forward of a principal elevation) was seemingly to ensure control over

buildings in front gardens". Following this same logic confirms the stance that the west facing elevation is the principal elevation in this case. It would be perverse to claim the east facing elevation is the principal elevation when it has no impact at all on the street scene and faces onto the private garden space of the host dwelling.

Taking these factors into account, the conclusion must be reached that the west facing elevation is the principal elevation. The proposed garage would not be sited forward of the principal elevation.

5. CONCLUSION

The proposed detached garage is permitted development as defined by Class E of Part 1 of Schedule 2 of the General Permitted Development Order. The proposed building operations are therefore lawful.

The application provides the necessary information to meet the requirements of section 192 of The Act and a certificate should be granted.

Whilst the application is clear and comprehensive, the Applicant remains willing to answer any queries the LPA may have. Please do not hesitate to contact Cadvis3d with any such queries in the first instance.