

**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.: 2026/CL/90838/E

Site: Elmleigh Farmhouse, 24, Stringer House Lane,
Emley Moor, Huddersfield, HD8 9SU

Description: Certificate of lawfulness for proposed erection of
detached garage

Case Officer: Laura Yeadon

Decision Reference: LAWFUL OPERATIONS APPROVED

**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.**

Emma Thompson

AUTHORISED OFFICER

Date 10-Jul-2026

Officer Report

[Weblink](#)

Site Description

Elmleigh Farm Cottage, 24 Stringer House Lane is a large, detached two storey dwelling located within the defined Green Belt within the Kirklees Local Plan. The property benefits from amenity space to the west of the property and a large outbuilding to the south.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for the erection of an outbuilding within the curtilage of the property to accommodate a double garage and garden store.

The outbuilding would be located within the rear amenity space of the property and would be rectangular in its design. The outbuilding would have a total width of 9 metres, depth of 7 metres with an eaves height of 2.5 metres and overall height of 4 metres.

The proposed construction materials would be coursed stone for the walls, slate for the roof with the entrance to the garden storey being oak framed.

The outbuilding would be located to the south-east of the host dwellinghouse.

Officer note:

As part of a Certificate of Lawful Development, the onus is on the applicant to provide evidence which states why the proposal fits with the permitted development legislation. In this case, the applicant has stated on the application form that the proposal complies with permitted development rights.

History of negotiations/amendments received

No negotiations have taken place, and no amended plans have been received.

Relevant Planning History

1998/92500 – Erection of first floor extension and alterations to form granny flat – Conditional Full Permission

2007/90594 – Erection of first floor extension – Refused

2009/9570 – Alterations to existing roof to form accommodation and alterations – Conditional Full Permission

2009/92033 – Erection of dormer extensions – Refused

2011/92632 – Erection of balcony to rear of property – Conditional Full Permission

2020/93532 – Certificate of lawfulness for proposed erection of detached garage – Refused

2023/90973 – Certificate of lawfulness for proposed erection of detached garage – Granted

Consultation Responses

None required

Issues and Assessment

The main considerations in the determination of this application are:

1. Whether the proposed development would constitute development as defined within section 55 of the Town and Country Planning Act 1990;
1. If so, whether permitted development rights apply to the property; and
2. Whether the proposed development falls within permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1 (Development within the curtilage of a dwellinghouse), Class E (building etc incidental to the enjoyment of a dwellinghouse).

The proposal comprises of a detached outbuilding. Thus, the proposal constitutes the carrying out of building on and over land. As such, it is regarded as development as defined by section 55 of the Town and Country Planning Act 1990.

Schedule 2, Part 1, 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: *The dwellinghouse was not granted permission by any of the above.*

- a) 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: *No more than 50% of the curtilage would be covered by additions.*

- b) 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: *As previously accepted by the LPA under planning reference 2023/90973, it is not considered that the building would be situated on land forward of the principal elevation of the dwellinghouse.*

- c) the building would have more than one storey;

Comment: *The building would not have more than one storey.*

- d) the height of the building, enclosure or container would exceed –
 - (i) 4 metres in the case of a building with a dual-pitched roof,
 - (i) 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
 - (ii) 3 metres in any other case

Comment: *The height of the building would not exceed 4 metres and is not located within 2 metres of the boundary of the dwellinghouse.*

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

Comment: *The height of the eaves would not exceed 2.5 metres.*

- f) 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.*

- g) it would include the construction or provision of a veranda, balcony or raised platform;

Comment: *None of the above are proposed.*

h) it relates to a dwelling or microwave antenna; or

Comment: *Not applicable.*

i) the capacity of the container would exceed 3,500 litres.; or

Comment: *Not applicable*

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

Comment: *The dwellinghouse was not built under Part 20 of this Schedule.*

E.2 In the case of the any land within the curtilage of the dwelling which is within –

- (a) an area of outstanding natural beauty;
- (a) the Broads;
- (b) a National Park; or
- (c) a World Heritage Site,

development is not permitted by Class E of the total area of ground covered by buildings, enclosures, pool and containers situation more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

Comment: *Not applicable.*

E.3 In the case of 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 dwelling.

Comment: *The land within the curtilage is not on article 2(3) land.*

Interpretation of Class E

E.4 For the purposes of Class E, “purpose incidental to the enjoyment of the dwelling house as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

Conclusion:

The proposal has been considered against the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is recommended for approval.

The proposed outbuilding benefits from a 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
Application form	PP-14807498		26 th March 2026
Location plan	PP-14807498v1		26 th March 2026
Existing location plan and site plan	A(00)-01		26 th March 2026
Proposed location plan and site plan	A(90)01		26 th March 2026
Existing house plans	A(00)-10		26 th March 2026
Proposed garage plans	A(10)-01		26 th March 2026
Planning Statement	2441		26 th March 2026

Dated: 8th July 2026