

**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/91002/E

Site: 3, Robin Royd Grove, Mirfield, WF14 0LB

Description: Certificate of lawfulness for proposed erection of
workshop/store extension to existing garage

Case Officer: Laura Yeadon

Decision Reference: LAWFUL OPERATIONS REFUSED

**I hereby authorise the refusal of this application for the reasons set out
in the officer's report and recommendation annexed below in respect of
the above matter.**

John Holmes

AUTHORISED OFFICER

Date 10-Jun-2026

Officer Report

[Weblink](#)

Site Description

3 Robin Royd Grove is a semi-detached property located within an area defined as unallocated land within the Kirklees Local Plan. The dwellinghouse is a bungalow with amenity space to the front and rear with a driveway to the side leading to a detached garage which appears to be an original structure with the construction of the house. There is also a conservatory constructed on the rear elevation of the property.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for the erection of a workshop/store extension to the existing garage.

The proposed extension would attach to the existing structure.

The existing structure has a width of 2.9 metres, depth of 5.2 metres with an eaves height of 1.7 metres and an overall height to the ridge of the pitched roof of 3 metres.

The proposed extension would attach to the rear of the existing structure being a width of 4 metres, depth of 6 metres having a flat roof height of 2.4 metres.

It is proposed that the extension would be constructed from concrete blocks and render with a GRP or rubber finish to the roof.

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 is under 2.4 metres high, is within the rear garden and would take up less than 50% of the total garden.

History of negotiations/amendments received

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

Relevant Planning History

None

Consultation Responses

Mirfield Town Council – no response received to date

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).

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, it is important to note that as the proposal includes an extension to the original garage structure, the entire structure (both existing and proposed) would need to comply with the requirements of Class E.

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 of the dwellinghouse would be covered by buildings, enclosures or containers.*

- 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: *No part of the building would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse.*

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

Comment: *The building would not have more than a single 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 building would have a dual-pitched roof (existing structure) and would be within 2 metres of a boundary. The height of the existing building and therefore the proposed structure would exceed 2.5 metres in height. It is clear on page 43 of the Permitted development rights for householders – Technical Guidance whereby it is stated that ...*

'If any part of the building, container or enclosure is within 2 metres of the boundary of the curtilage of the house, then the height limit for the total development is restricted to 2.5 metres if it is to be permitted development.'

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

Comment: *The height of the eaves (in this case the existing eaves and the proposed flat roof) 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 on the submitted plans.*

- 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.

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.

Comment: In this case, it is considered that the proposed extension would be reasonably required for the domestic needs or personal 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 refusal.

The proposed extension to the existing garage does not benefit from a general planning permission granted under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England)

Order 2015 (as amended) as it would be contrary to paragraph E.1 (e) of the same Order.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			21 st April 2026
Location plan	Bramwell's Mapping Services		21 st April 2026
Proposed site plan			21 st April 2026
Proposed section, elevations and floor plans	26/33/B		21 st April 2026