

**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/91216/E

Site: 85, Lower Bower Lane, Dewsbury Moor,
Dewsbury, WF13 4PP

Description: Certificate of lawfulness for proposed detached
garden room

Case Officer: Laura Yeadon

Decision Reference: GRANT CERTIFICATE OF LAWFUL OPPS

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.

Sarah Longbottom

AUTHORISED OFFICER

Date 08-Jul-2026

Officer Report

[Weblink](#)

Site Description

85 Lower Bower Lane is a detached bungalow located within an area without notation on the Kirklees Local Plan. The property is constructed from red brick with under window stone detailing and a tiled roof. Amenity space surrounds the property and vehicular access is via sliding gates where a forecourt is located. The property has been previously extended to the side and rear.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for the erection of an outbuilding for the use as a garden room within the curtilage of the property.

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 length of 10 metres, width of 6 metres with an overall height of 2.5 metres.

No details have been submitted with regards to construction materials.

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 would be for the purposes incidental to the enjoyment of the dwellinghouse.

History of negotiations/amendments received

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

Relevant Planning History

1989/04807 – Erection of conservatory – Granted Conditionally

1992/01347 – Erection of single storey extension – Conditional Full Permission

2022/90439 – Erection of single storey front extension – Conditional Full Permission

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).

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: *The works would not result in more than 50% of the ground area within the curtilage being covered by extensions or outbuildings.*

- 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 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 building would be located within 2 metres of the site boundary however the height would not exceed 2.5 metres.*

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

Comment: *The height of the building 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 is not 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: *A microwave antenna is not proposed.*

- 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: No land falls within any of the above.

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.

Information contained within the application form states that the building would be used for purposes incidental to the enjoyment of the dwellinghouse. Therefore, the overall size of the building is considered proportionate for use within the parameters of Class E.

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 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			13 th May 2026
Location plan	Balckwell's Mapping Services		13 th May 2026
Block plan			13 th May 2026

Dated: 25th June 2026

