

ERECTION OF A GARDEN ROOM (SCHEDULE 2 PART 1 CLASS E PERMITTED DEVELOPMENT)

**284 Drub Lane
Cleckheaton
BD19 4BX**

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Introduction

This planning statement has been prepared by NAPC Ltd to support the application for a Certificate of Lawfulness for a Proposed Use or Development (CLOPUD) (PP-15040133) submitted to Kirklees District Council under Section 192(1) of the Town and Country Planning Act 1990 (as amended).

This application seeks to confirm that a proposed garden outbuilding for uses incidental to the enjoyment of a dwellinghouse at 284 Drub Lane, Cleckheaton, BD19 4HX ("the Site") would benefit from permitted development rights under Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) "the GPDO".

Submitted in support of the application are the following plans and drawings:

- Site Location Plan (1:1250) and Existing Site Plan (1:500) – NAPC -2104J 01A
- Proposed Elevations and Floor Plan (1:50) – Dwg. Ref. NAPC-2104J 02A

The Site

The Site is a two-storey detached dwelling located within the hamlet of Dub, accessed from Drub Lane and bound on both sides and to the rear by open agricultural fields. It is located within Flood Zone 1 and not in an area designated as at risk to surface water flooding. It is not located within a National Landscape (formerly AONB). It is not a designated heritage asset. The dwellinghouse was not created only by virtue of Classes M, N, P, PA or Q of Part 3 of the GPDO.

As per submitted plans, the proposed outbuilding would be situated wholly within the rear garden area, situated in the rear garden of the dwelling, close to the rear boundary, on an area of garden lawn. As per plans and elevations, the outbuilding consists of the following measurements:

- 10.00m in overall width (6.00m enclosed and 4.00m open-fronted section)
- 3.50m in overall depth
- 2.50m in overall height (flat roof) - includes all roof coverings, fascia, trims and external finishes, measured from the highest ground level immediately adjacent to the proposed building.

The proposed outbuilding would be used solely for purposes incidental to the enjoyment of the dwellinghouse, including domestic recreation, family leisure, occasional social use and garden storage. It would not be used as separate self-contained accommodation, sleeping accommodation, primary living accommodation, commercial accommodation, or as an independent planning unit. It would contain no kitchen, bathroom, bedroom or facilities capable of supporting independent residential occupation.

Externally, the outbuilding would be finished in light green composite cladding. Internally, the outbuilding would be subdivided into a small storage area and main area to be used for entertaining guests. The open-fronted section forms an integral part of the same single-storey outbuilding, sitting beneath the same flat roof and within the same overall footprint as shown on the submitted elevations and floor plan.

The outbuilding would be sited on an existing area of paving and would replace an existing structure, which through time has become dilapidated. Satellite images show that the outbuilding and associated paved area have been in existence since 2009, at least.



Figure 1 – Existing outbuilding, BD19 4HX

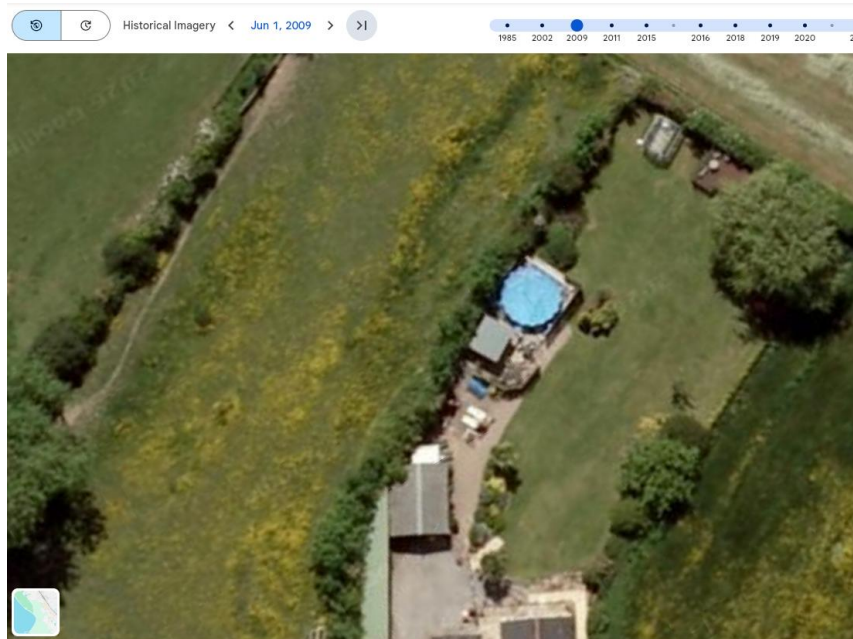


Figure 2 – 2009 satellite image of rear amenity area, BD19 4HX

Garden Room - Proposed elevations and floor plan.

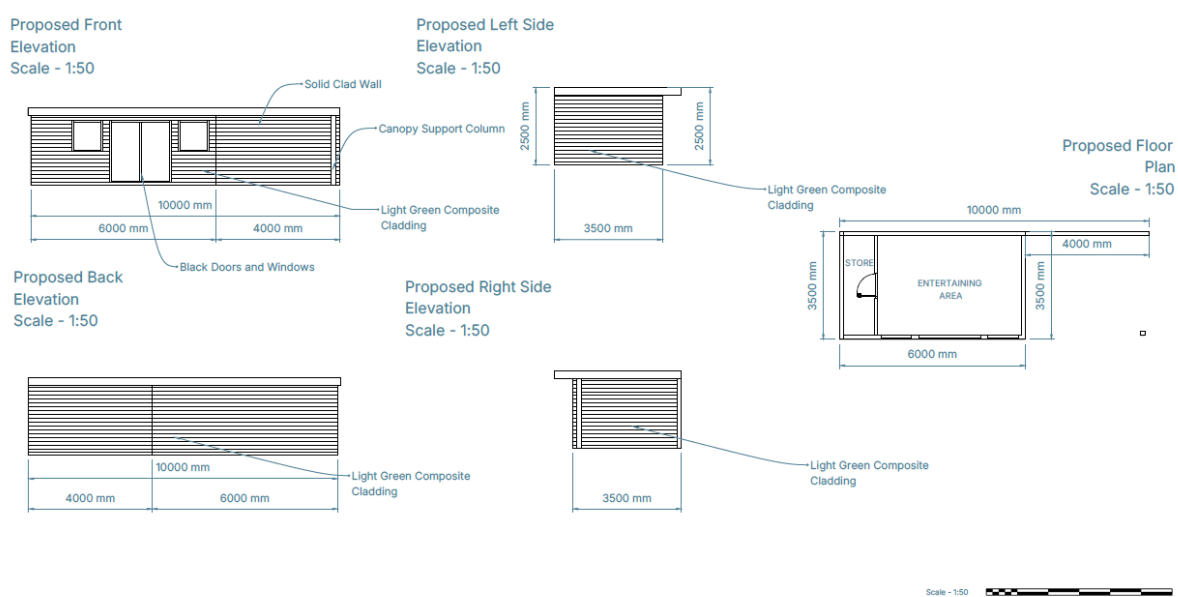


Figure 3 – Proposed Garden Room – Elevations and Floorplan, BD19 4HX

Assessment

Schedule 2, Part 1 of the GPDO permits development within the curtilage of a dwellinghouse. Specifically, Class E Permitted Development Rights allow for:

- a) *The provision within the curtilage of the dwellinghouse of 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.*

As such, the proposed outbuilding has been assessed against the criteria for Class E Permitted Development in the below table:

Class E Criteria	Does the proposal comply?
<i>On designated land, outbuildings to the side of the house are not permitted development. Outbuildings are not permitted development within the grounds of a listed building.</i>	YES – The proposed garden room would be sited to the rear of the rear elevation of the dwellinghouse, which is not a designated heritage asset.
<i>In national parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites the total area to be covered by any outbuildings more than 20m from ANY wall of</i>	YES – The Site is not located within an AONB or World Heritage Site.

<i>the house must not exceed 10 sqm to be permitted development.</i>	
<i>Outbuildings are not permitted development forward of the principal elevation of the original house. Outbuildings and other additions must not exceed 50% of the total area of land around the original house. Sheds and all other outbuildings, decking and raised platforms, and extensions to the original house must be included when calculating this 50% limit.</i>	YES – The outbuilding is located wholly within the rear garden and is not located forward of the principal elevation of the original house. The garden room, together with any previous outbuildings or extensions, would not exceed 50% of the Site, minus the footprint of the dwelling as originally built, which is in excess of 0.1Ha.
<i>To be permitted development, any new building must not itself be separate, self-contained, living accommodation and must not have a microwave antenna.</i>	YES – The outbuilding is not self-contained living accommodation and does not have a microwave antenna.
<i>Outbuildings must be single storey with a maximum eaves height of 2.5m and maximum overall height of 4m with a dual pitched roof, or 3m in any other case.</i>	YES – As per submitted plans and elevations, the maximum height of the outbuilding would be 2.50m.
<i>If the outbuilding is within two metres of the property boundary the whole building should not exceed 2.5m in height.</i>	YES – The outbuilding would not exceed 2.50m in overall height
<i>Balconies and verandas are not permitted development. Raised platforms such as decking are permitted development, provided they are no higher than 300mm.</i>	YES – The outbuilding does not feature a balcony, veranda, or any raised platforms.
<i>Containers, such as those used for domestic heating purposes, must not exceed 3,500 litres capacity to be permitted development.</i>	N/A – The proposal is not for a container.

Conclusion

The application is to confirm that the proposed outbuilding complies with Schedule 2, Part 1, Class E of the GPDO and therefore benefits from permitted development rights and would be lawful.

The assessment provided in the table above confirms this. We therefore request that a lawful development certificate for an existing use or development is granted without delay.

Positive and Proactive Decision-Making

NPPF Paragraph 39 states that local planning authorities should approach decisions on proposed development in a positive and creative way; should work proactively with applicants to secure

developments that will improve the economic, social and environmental conditions of the area; and should at every level should seek to approve applications for sustainable development where possible.

Should the council require any further information or any clarification on any aspects of the application, we ask that this is requested from NAPC Ltd before a decision is issued, to ensure that a positive outcome can be reached on the application.