

APPLICATION NUMBER: 25/00030/CPL

Application Number:	25/00030/CPL
Location:	17 Mirfield Drive, Middleton, M24 5UA
Proposal:	Application for a certificate of lawfulness for a proposed detached garage within rear garden
Applicant:	Mr James Coop
Case Officer:	Bob Melling
Recommendation:	Grant

Location

This application relates to no. 17 Mirfield Drive, a two storey, semi-detached dwelling located in a residential area of Middleton. The application property faces the highway to the north, is adjoined by no. 15 Mirfield Drive to the east and is adjacent to no. 19 Mirfield Drive to the west. The rear boundary of the curtilage borders the rear garden of no. 12 Emerson Drive.

Description of Proposal

Permission is sought for detached garage within the rear garden. The garage would replace an existing garage, utilising the same concrete base. The proposed garage would have a footprint of approximately 2.5m by 3.1m with a maximum height of 2.2m.

Is the proposal wholly within the curtilage of the dwellinghouse?	Yes
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Relevant History

N/A

Permitted Development Rights removed?	No
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Representations

In accordance with the Council's code for publicity for this type of application, no letters of notification have been issued.

Legislation and Guidance

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Permitted development rights for householders – Technical Guidance (September 2019)

Assessment (Class E)

Class E of Part 1 of Schedule 2 of the GPDO allows for:

- 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.*

Officer Note: The proposed garage is considered to be a use that is incidental to the enjoyment of the dwellinghouse.

Development is not permitted by Class E if:

- (a) Permission to use the dwellinghouse as a dwelling has not been granted only by virtue of Class M,N,P or Q of Part 3 of the GPDO

☒ **Complies**

☐ **Does Not Comply**

- (b) 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).

☒ **Complies**

☐ **Does Not Comply**

- (c) 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.

☒ **Complies**

☐ **Does Not Comply**

- (d) the building would have more than a single storey.

☒ **Complies**

☐ **Does Not Comply**

- (e) 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.

☒ **Complies**

☐ **Does Not Comply**

(f) the height of the eaves of the building would exceed 2.5 metres;

☒ **Complies**

☐ **Does Not Comply**

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building

☒ **Complies**

☐ **Does Not Comply**

(h) it would include the construction or provision of a verandah, balcony or raised platform

☒ **Complies**

☐ **Does Not Comply**

(i) it relates to a dwelling or a microwave antenna.

☒ **Complies**

☐ **Does Not Comply**

(j) the capacity of the container would exceed 3,500 litres

☒ **Complies**

☐ **Does Not Comply**

Paragraph **E.2** of the above order stipulates that development is permitted by Class E would not be permitted if any part of the curtilage of the dwellinghouse is within –

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

and the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

☒ **Complies**

☐ **Does Not Comply**

Paragraph **E.3** further states In the case of any 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 dwellinghouse

☒ **Complies**

☐ **Does Not Comply**

The site is not on any category of article 2(3) land.

Recommendation: Grant

The proposal constitutes permitted development by virtue of compliance with the requirements of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Notes for applicant:

For the avoidance of doubt, the decision relates to the following drawings:-

- Location plan dated 14-Jan-2025
- Plan, Elevations. Dwg no. 29.01.25

	Date	Officer
Report Completed	12/02/2025	Signed: BM
Authorisation	04/03/2025	Signed: RK

Report Author Bob Melling