



KIRKLEES COUNCIL

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)**

**TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2015: ARTICLE 39**

REFUSAL OF CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Application Number: 2021/CL/91714/W

To: J Ewing
7, High Lea
Marsden
Huddersfield
HD7 6DZ

For: J EWING

FIRST SCHEDULE CERTIFICATE OF LAWFULNESS FOR PROPOSED
ERECTION OF EXTENSION AND ALTERATIONS TO
GARAGE

SECOND SCHEDULE 7, High Lea, Marsden, Huddersfield, HD7 6DZ

**KIRKLEES COUNCIL HEREBY REFUSES TO CERTIFY THAT ON 05-MAY-2021 THE
OPERATIONS DESCRIBED IN THE FIRST SCHEDULE THERETO IN RESPECT OF
THE LAND SPECIFIED IN THE SECOND SCHEDULE HERETO AND EDGED RED ON
THE SUBMITTED PLANS WOULD BE LAWFUL WITHIN THE MEANING OF SECTION
192 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED), FOR THE
FOLLOWING REASONS:**

The proposed erection of extension and alterations to garage does not benefit from a general planning permission granted under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) by reason of the proposed extension being located within 2 metres of the boundary of the curtilage of the dwellinghouse and having an eaves height exceeding 3 metres, contrary to paragraph (i) of Class A.

In addition, the proposed extension would extend beyond a side elevation of the original dwellinghouse and have a width greater than half the width of the original dwellinghouse, therefore the proposals are also contrary to paragraph (j) of Class A.

Finally, as the proposals are located on article 2(3) land and would extend beyond a wall forming a side elevation of the original dwellinghouse. The proposals would fail to meet the requirements of paragraph A.2 of Class A.

This decision is based on the following plans:-

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Existing Ground Floor Plan	72_02	-	5th May 2021
Location Plan	72_02	-	5th May 2021
Existing Ground Floor Plan	72_03	-	5th May 2021
Proposed Ground Floor Plan	72_04	-	5th May 2021
Proposed Elevations	72_05	-	5th May 2021
Proposed Block Plan	72_06	-	5th May 2021
Proposed Block Plan	-	-	26th April 2021
Supporting Statement – Supporting Information	-	-	26th April 2021

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought as the proposal was deemed to be acceptable upon submission.

If this application has been publicised by notice(s) in the vicinity of the site, please would you now remove the notice(s) and dispose of it/them responsibly to avoid harm to the appearance of the local area.
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NOTES:

- (1) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse an application for a certificate of lawfulness of development, in whole or part (including any modification or substitution of the description of the use, operations or any other matter), s/he may appeal to the Secretary of State in accordance with Sections 195 and 196 of the Town and Country Planning Act 1990 (as amended). Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://www.gov.uk/planning-inspectorate>. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.
- (2) This decision is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended)

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 30-Jun-2021

Signed:



David Shepherd
Strategic Director Growth and Regeneration

Address to which all communications should be sent:-

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