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: 2023/CL/92257/W

To: Davie Storrie,
Householder Planning Services
Wellington House, Lincoln Street
Huddersfield
HD1 6RX

For: D and D Collins

FIRST SCHEDULE	CERTIFICATE OF LAWFULNESS FOR PROPOSED ALTERATIONS TO REFORM AND EXTEND EXISTING GARAGE
SECOND SCHEDULE	84, Beaumont Park Road, Beaumont Park, Huddersfield, HD4 7AY

KIRKLEES COUNCIL HEREBY REFUSES TO CERTIFY THAT ON 26-JUL-2023 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 enlargement to the existing dwellinghouse does **not** benefit from a general planning permission under Article 3(1) and Schedule 2, Part 1, Classes A or B of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

The proposed side extension exceeds 4 metres in height and has more than one storey contrary to sub-paragraph (j) of Part A of the Order. Additionally the enlargement to the original roof of the dwellinghouse, when taking into account previous extensions to the original dwellinghouse would increase the volume of the roof by more than 50 cubic metres contrary to sub-paragraph (d) of Part B of the Order.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing elevation and floor plan	22:03:7336:01		28th July 2023
Existing site plan	22:03:7336:02		28th July 2023
Proposed elevations and floor plans	22:03:7336:03 – Rev: D		28th July 2023
Location plan and proposed site plan	22:03:7336:04 – Rev: C		28th July 2023

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 Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The Case Officer did not enter into negotiations or request amended plans for the proposed development as a pre-application service is available.

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.

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 the Planning Inspectorate website.
Further information on the Planning Appeal process can be found online at the Planning Inspectorates website.

(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: **20-Sep-2023**

Signed:

David Shepherd
Strategic Director Growth and Regeneration

Address to which all communications should be sent:-

Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL