



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**

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Application Number: 2023/CL/92696/W

To: Hamish Gledhill,
Acumen Designers & Architects Ltd
Headrow House
Old Leeds Road
Huddersfield
HD1 1SG

For: Concept of Design

FIRST SCHEDULE Proposed erection of 3 garden rooms to form gym, office and play room

SECOND SCHEDULE Proposed two storey rear extension and single storey side extensions to form garage and lean to

THIRD SCHEDULE	56, Greenhill Bank Road, New Mill, Holmfirth, HD9 1ER
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KIRKLEES COUNCIL HEREBY REFUSES TO CERTIFY THAT ON 10-OCT-2023 THE OPERATIONS DESCRIBED IN THE FIRST SCHEDULE THERETO IN RESPECT OF THE LAND SPECIFIED IN THE THIRD 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 outbuildings, owing to their scale both in absolute terms and in relation to the size of the dwelling they would serve, are considered not to fall within a reasonable definition of "incidental to the enjoyment of a dwellinghouse" and therefore do not benefit from a general planning permission under Article 3(1) and Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

KIRKLEES COUNCIL HEREBY CERTIFIES THAT ON 10-Oct-2023 THE OPERATIONS DESCRIBED IN THE SECOND SCHEDULE THERETO IN RESPECT OF THE LAND SPECIFIED IN THE THIRD 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 enlargements to the development benefit from a general planning permission by virtue of Article 3(1) and Schedule 2, Part 1, Classes A & D of the Town and Country Planning (General Permitted Development)(England) Order 2015(as amended) subject to conditions as stated in paragraphs A.3 of the same Order.

This decision is based on the following details(s):-

Plan Type	Reference	Version	Date Received
Application form			12-Sep-2023
Covering letter			12-Sep-2023
Location plan	2813_ACU LOC		12-Sep-2023
Existing site plan	2813_ACU(100)01		12-Sep-2023
Proposed extensions	2813_ACU(100)02		12-Sep-2023
Proposed site plan	2813_ACU(100)03		12-Sep-2023
Proposed outbuildings	2813_ACU(100)04		12-Sep-2023
Proposed site sections	2813_ACU(100)05		10-Oct-2023

If the application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the 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: **31-Jan-2024**

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**