

**KIRKLEES METROPOLITAN COUNCIL  
INVESTMENT & REGENERATION SERVICE**

**DEVELOPMENT MANAGEMENT**

**Town and Country Planning Act 1990 (as amended)**

**DELEGATED DECISION TO DETERMINE APPLICATIONS FOR  
CONSENT, AGREEMENT OR APPROVAL REQUIRED BY CONDITION**

Reference No:	<b>2023/44/93722/E</b>
Site Address:	Land Adjacent, Inkerman Court, Denby Dale, Huddersfield, HD8 8XA
Description:	Discharge of condition 30 (permitted development rights) of previous permission 2023/90066 for variation of conditions 2 (plans) and 6 (highway layout) on previous permission 2019/91836 for erection of 34 dwellings
Recommending Officer:	Victor Grayson

**DECISION – Discharge of Conditions- Granted**

**I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.**

**David Wordsworth**

***AUTHORISED OFFICER***

**Date: 04-Jan-2024**

# Officer Report

**Discharge of condition 30 (permitted development rights) of previous permission 2023/90066 for variation of conditions 2 (plans) and 6 (highway layout) on previous permission 2019/91836 for erection of 34 dwellings**

## Site Description

The application site is 1.02 hectares in size and is located on the north side of Barnsley Road, Denby Dale. It is allocated for residential development in the Local Plan (site allocation: HS141).

Works on site are well progressed.

## Consultation

No consultation necessary.

## Relevant Planning History

2019/91836 – Planning permission granted 06/10/2021 for erection of 34 dwellings.

2023/90066 – Variation of conditions 2 (plans) and 6 (highway layout) of previous permission 2019/91836 for erection of 34 dwellings approved 25/05/2023 – variations to allow deletion of right-turn pocket and footway build-out.

2022/90955, 2023/92772 and 2023/92838 – Non-Material Amendments approved to house types etc.

Various other Discharge of Conditions applications are under consideration, or have been determined.

## Condition 30 (permitted development rights)

Condition 30 reads as follows:

*30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) no development included within Classes A, D and E of Part 1 and Class A of Part 2 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.*

**Reason:** *In the interests of visual amenity and to ensure the amenities of existing neighbouring residential units and the residential units hereby approved are protected in accordance with Policy LP24 of the Kirklees Local Plan and the National Planning Policy Framework.*

## **Pre-application advice**

On 29/11/2023 the applicant enquired regarding the possibility of erecting a timber shed in the rear garden of plot 33. In response, on 01/12/2023 the case officer advised that buildings (including sheds) within the curtilages of dwellings are controlled by condition 30, and that an approval pursuant to condition 30 would be needed for a shed. On 11/12/2023 the case officer added that this matter can be dealt with via a Discharge of Condition application (submitted pursuant to condition 30 of permission ref: 2023/90066).

## **Assessment**

The applicant proposes the erection of a timber shed in the rear garden of unit 33 (to be 4 Ash Well Grove). The shed would measure 1.8m x 1.2m x 2.25m, and would be supplied by Aardvark Garden Buildings of Barnsley. A submitted image suggests a profiled/corrugated material is proposed for the shed's roof. The shed would be located in the bottom (eastern) corner of the rear garden, adjacent to public footpath DEN/66/40, and behind a dry stone garden wall.

Such sheds are a common feature in rear gardens of residential properties. The proposed shed would not cause significant visual harm or significant harm to the amenities of existing and future neighbouring residents or users of the adjacent public footpath. TPO-protected trees would not be adversely affected by the shed.

The proposal is considered acceptable.

## **Recommendation**

Approve details pursuant to condition 30.

## **Decision Notice Text**

**Condition 30 (permitted development rights)** – You have submitted an un-numbered plan (rev B, dated 13/12/2023) identifying plot 33 and the proposed location of a shed, and an un-numbered photograph of a timber shed measuring 1.8m x 1.2m x 2.25m and supplied by Aardvark Garden Buildings of Barnsley.

The information set out in those documents is considered acceptable for the purpose of condition 30, and is hereby approved.

