



**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**

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**Application Number: 2024/CL/92163/W**

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**To:** Andrew Keeling  
AKPlanning  
147, Lane Top  
Linthwaite  
Huddersfield  
HD7 5SG

**For:** L MACDONALD

**FIRST SCHEDULE      CERTIFICATE OF LAWFULNESS FOR ERECTION OF  
DETACHED WORKSHOP/GARAGE**

**SECOND SCHEDULE      Rough Lee Farm, Reddisher Road, Marsden, Huddersfield,  
HD7 6NF**

**KIRKLEES COUNCIL HEREBY REFUSES TO CERTIFY THAT ON 06-AUG-2024 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 erection of the proposed outbuilding at Rough Lee Farm does not benefit from a general planning permission under Article 3(1) and Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015(as amended) as the proposed outbuilding is within 2 metres of the curtilage boundary and exceeds 2.5 metres in height contrary to sub-paragraph E.1(e)(ii).

The proposed demolition of the existing garage is considered to be development that does not benefit from any general planning permission under Article 3(1) and Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015(as amended) as the demolition does not have prior approval and is not regarded as excluded demolition.

Plans and specifications schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Date Received</b>
Grouped Plans and Elevations – 01 – Existing	1052507	06/08/2024
Location Plan	1052499	06/08/2024
Grouped Plans and Elevations – 02 - Proposed	1052462	01/08/2024

**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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

**Dated:** 18-Jun-2025

**Signed:**



David Shepherd  
Executive Director for Place

**Address to which all communications should be sent:-**

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