



**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: 2025/CL/90942/W**

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To: Daniel Warren,  
Wake Morley Architects  
1, Dunford Road  
Holmfirth  
HD9 2DP

For: ANTHONY DEARNLEY, ANTHONY DEARNLEY HOMES LTD.

FIRST SCHEDULE CERTIFICATE OF LAWFULNESS FOR PROPOSED  
ERECTION OF TWO STOREY REAR EXTENSION TO  
DWELLING, SINGLE STOREY SIDE EXTENSION TO  
GARAGE AND PORCH TO THE REAR

SECOND SCHEDULE Moss Edge Farm, Moss Edge Road, Holmbridge, Holmfirth,  
HD9 2SD

**KIRKLEES COUNCIL HEREBY REFUSES TO CERTIFY THAT ON 01-APR-2025 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 two-storey and single-storey rear enlargement and single storey side enlargement do not benefit from general planning permission under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The proposed single and two-storey rear enlargement exceeds the limitations in sub-paragraph A.1 (h) of Class A and projects in part beyond the curtilage of the dwellinghouse. The proposed side enlargement is not considered to be within the curtilage of the dwellinghouse and therefore does not benefit from permitted any general planning permission granted by Article 3(1) of the Order.

Plans and specifications schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Date Received</b>
Proposed elevations 2	1835 03_02	02/04/2025
Proposed plans	1835 02_01	02/04/2025
Existing plans	1835 00_01	02/04/2025
Proposed elevations 1	1835 03_01	02/04/2025
Application From	-	02/04/2025
Location Plan	-	02/04/2025

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 entered into negotiations and request amended plans for the proposed development and it was considered that the application unacceptable in its submitted form.

**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: **17-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**