

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) Section 191/192

**DELEGATED DECISION FOR APPLICATION FOR CERTIFICATE OF
LAWFUL DEVELOPMENT**

Reference no.: 2025/CL/90954/W

Site: The Noddle, Halifax Road, Scapegoat Hill,
Huddersfield, HD7 4NS

Description: Certificate of lawfulness for proposed demolition of
existing garage and erection of replacement garage

Case Officer: Jessica Irwin

Decision Reference: PROPOSED OPERATIONS GRANT

**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.**

Kevin Walton

AUTHORISED OFFICER

Date 17-Jun-2025

Officer Report

2024/92025

Site Description

The application relates to The Noddle, a single-storey large detached property situated in Scapegoat Hill, Huddersfield located on generous grounds. The dwelling is constructed in natural stone and incorporates a dual-pitched roof finished in stone slates. The neighbouring properties are of residential use of varying architectural styles. The property benefits from a detached double garage building alongside a subterranean outbuilding, converted from a former stable block. The property has not had its pd rights removed.

Description of Proposal

The application is for a certificate of lawful proposed demolition of existing garage and erection of replacement garage.

The garage would be located in the same area as the existing garage, although the footprint of the building would increase and the shape would be altered as a result.

The proposed garage would be triple garage, as opposed to the existing double garage. The existing design appears as two separate garages joined together. The proposed building would provide a more consistent design throughout. It would have an M shaped dual-pitched roof line, 3 roller shutter doors alongside an access door.

The outbuilding would not be built within 2 metres of the boundary, the eaves height of the outbuilding would not exceed 2.5 metres, and the overall height would not exceed 4 metres. the width of the building would be approximately 12 metres, with the length of the building measuring approximately 14 metres.

History of negotiations/amendments received

I contacted the agent to obtain clarification on the use of the building, following our communication, I am satisfied that the proposed use of the garage is incidental to the enjoyment of the dwellinghouse.

Relevant Planning History

90/04283 – Erection of detached stable block with integral retaining wall and roof garden – Conditional full permission
90/05911 – Erection of single storey extension, pitched roof to replace flat roof and replacement of garage roof – Conditional full permission
2013/90676 – Change of Use from existing residential (C3) to children's home (C2) – Invalid
2019/92803 – Demolition of existing dwelling and erection of 6 dwellings – Withdrawn

2025/90955 – Partial demolition of existing garage and erection of replacement garage, erection of single storey rear extension, installation of solar panels and associated external alterations – Conditional full permission

Consultation Responses

This is an application for a Lawful Development Certificate and, for this reason, no consultations are necessary.

Assessment

Applications for Certificates of Lawful Developments for the erection of outbuildings to dwellings are assessed against the general permission conferred by The Town and Country (General Permitted Development) (England) Order 2015 (as amended)

Schedule 2, Part 2, Class E of the order sets out the Permitted Development Rights which relates to,

*“(a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
(b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.”*

Comment: *In this instance, the dimensions of the proposed outbuilding are approx. 14 metres long x 12 metres wide. While the size of an outbuilding is of some relevance, it is not determinative. The relevance of size lies in the indication it may provide of the scale of activities and whether they would be subordinate to the main use of the dwellinghouse. For the purposes of Class E, the building must be genuinely and reasonably required to accommodate the proposed use or activity and thus achieve that purpose. The determination of whether a building is incidental to the enjoyment of the dwellinghouse is a matter of fact and degree based on the specific circumstances of each case. In this instance, justification has been provided that satisfies that the use of the outbuilding will be incidental to the enjoyment of the dwellinghouse; the garage will house the applicant’s large collection of vehicles, providing adequate shelter for their security and preservation. This enclosed space will protect the vehicles from weather-related wear and tear and assist in maintaining their long-term functionality. The current garage is no longer adequate in size, leading to overflow parking outdoors, which compromises both the aesthetic appeal of the property and the safety of the vehicles. It is considered the proposed use is incidental to the enjoyment of the dwellinghouse in light of the need for adequate vehicle storage space for the applicant’s large collection.*

Development not permitted

E.1 Development is not permitted by Class E if—

(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);

Comment: *permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule.*

(b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

Comment: *the total area of ground covered by the building would not exceed 50% of the total area of the curtilage.*

(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

Comment: *the proposal would not be situated on land forward of a wall forming the principal elevation of the original dwellinghouse.*

(d) the building would have more than a single storey;

Comment: *the proposal is single storey in height.*

(e) the height of the building, enclosure or container would exceed—

(i) 4 metres in the case of a building with a dual-pitched roof,

(i) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or

(ii) 3 metres in any other case;

Comment: *the proposed building will not be within 2 metres of the boundary, it will have an 'M' shape, dual-pitched roof and shall not exceed 4 metres in height.*

(f) the height of the eaves of the building would exceed 2.5 metres;

Comment: *the eaves of the proposed building will not exceed 2.5 metres.*

(g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

Comment: *the building would not be situated within the curtilage of a listed building.*

(h) it would include the construction or provision of a verandah, balcony or raised platform;

Comment: *the proposal does not include the construction or provision of a verandah, balcony or raised platform.*

(i) it relates to a dwelling or a microwave antenna;

Comment: *the proposal does not relate to a dwelling or microwave antenna.*

(j) the capacity of the container would exceed 3,500 litres

Comment: *N/A*

(k) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

Comment: N/A

E.2 In the case of any land within the curtilage of the dwellinghouse which is within—

- (a) an area of outstanding natural beauty;
- (b) the Broads;
- (c) a National Park; or
- (d) a World Heritage Site,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

Comment: *the proposal is not within the curtilage of those listed above.*

E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

Comment: *the dwellinghouse is not located on article 2(3) land. The proposed development is to replace the existing garage on the site.*

The demolition of the existing buildings would amount to development by virtue of their volume in excess of 50 cubic metres and Demolition Directive of 2022. However, part 11, Class B of the GPDO allows a general planning permission, without the need for prior approval, for the demolition of buildings that may be considered excluded development necessary for the re-development of the site. Paragraph B.3 of Class 11 defines excluded demolition as demolition on land which is the subject of a planning permission, for the re-development of the land granted on an application or deemed to be granted under Part III of the Act. Section 59 & section 60 of Part III provide a means to grant planning permission via a development Order and thus under Part III the General Permitted Development Order in itself deems to grant a planning permission. In this instance, the demolition of the existing outbuildings is necessary for the re-development of the site given both buildings largely cover the same footprint.

Conclusion

The proposed demolition of existing garage and re-development of the proposed garage as shown on the submitted plans listed in this decision notice, to be used for purposes incidental to the enjoyment of the dwellinghouse at The Noddle, Scapegoat Hill, benefits from general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class E and Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is recommended for approval.

