

**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/91436/E

Site: The Cloisters, 3, Abbey Close, Mirfield, WF14 9QY

Description: Certificate of lawfulness for proposed erection of
single storey rear extension

Case Officer: Laura Yeadon

Decision Reference: PROPOSED OPERATIONS REFUSED

**I hereby authorise the refusal 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 16-Jul-2025

Officer Report

[Weblink](#)

Site Description

The Cloisters, 3 Abbey Close is a modern, two storey detached dwelling located within an area without notation on the Kirklees Local Plan. The property is constructed from stone and has amenity areas to the front and rear. Also to the front of the property is a double width driveway leading to an integral garage.

Surrounding development is predominantly residential.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for the erection of a single storey extension to the rear of the property.

The extension would project from the rear elevation of the property by 3 metres and would be a total width of 4.2 metres with an overall height of 3 metres to the top of the flat roof.

The submitted Supporting Statement states that the extension would be constructed from stone to match the existing house.

The property has had its Permitted Development Rights removed.

History of negotiations/amendments received

No negotiations have taken place and no amended plans received.

Relevant Planning History

1990/01846 Outline application for detached dwelling and garage
Refused – appeal dismissed

1995/90585 Outline application for erection of 2 no. detached houses
Refused - appeal dismissed

2004/95281 Demolition of existing dwelling and erection of 8 dwellings with garages
Withdrawn

2005/91059 Demolition of existing dwelling and erection of 7 dwellings with garages
Conditional Full Permission

Consultation Responses

None required

Issues and Assessment

Planning application 2005/91059 granted permission for the demolition of the existing dwelling and the erection for 7 dwellings with garages on 3rd October 2005.

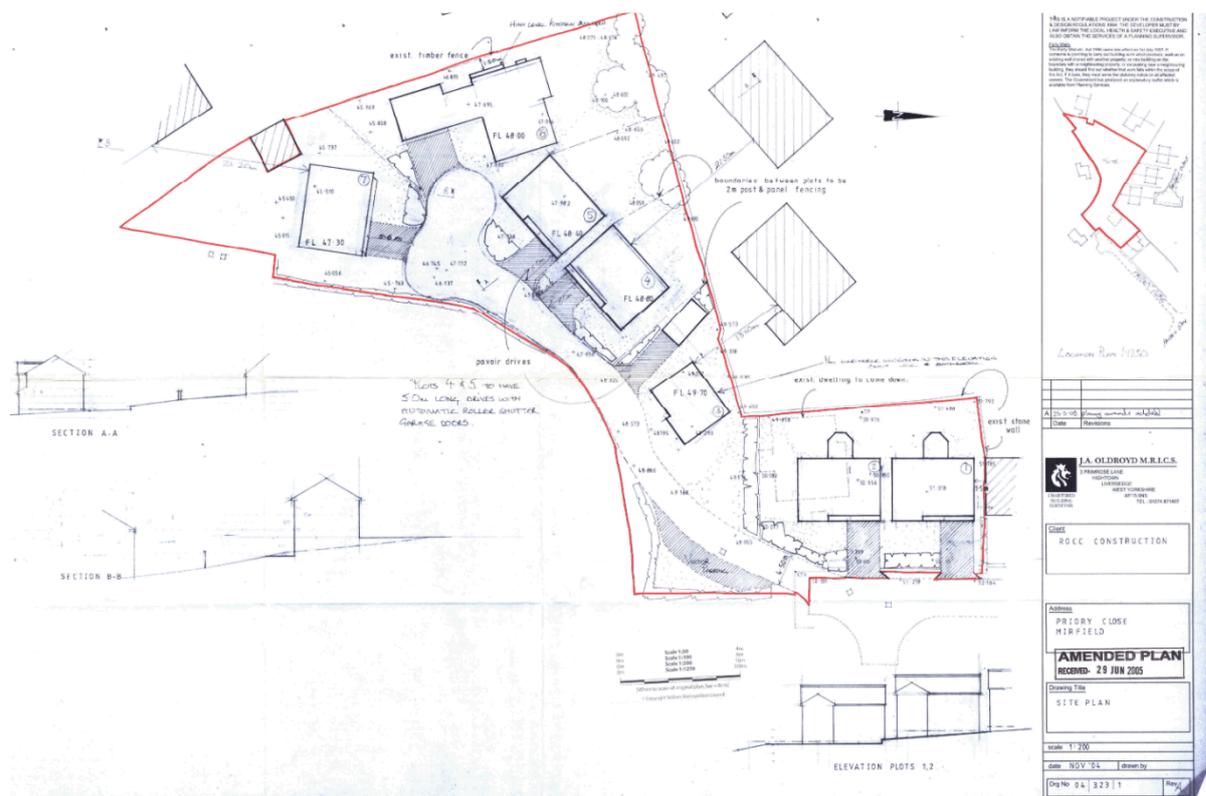
Condition 14 of this permission states:

(14) Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995, no extensions, porches, garages, outbuildings, sheds, greenhouses or hardstandings shall be erected on the site.

The reason for imposing this condition was as follows:

(14) To ensure that unsatisfactory extensions do not result in close overlooking of adjoining property and to accord with Policy BE12 of the Unitary Development Plan.

A screen shot of the approved 'Site Plan' is attached for clarity with the application site being Plot 5 of the approved plan:



Article 3(4) of the GPDO 2015 provides that permitted development rights will not apply if they are 'contrary to any condition imposed by any planning permission granted or deemed to be granted under Part 4 (or Part 13) of the Act [TCPA 1990] otherwise than by this Order'. The development is therefore

contrary condition 14 of permission 2005/91059 and permitted development rights do not apply.

Conclusion:

As such, as the application relates to Class A of Part 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) the erection of a single storey rear extension does not benefit from general planning permission under the Order.

Decision Notice Text

The single storey rear extension does not benefit from a 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) as the erection of an extension would be contrary to condition 14 of planning permission reference 2005/91059.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	(EX)002		27 th May 2025
Existing and proposed block plan	(20)002		27 th May 2025
Existing elevations and floor plans	(EX)001		27 th May 2025
Proposed elevations and floor plans	(20)001		27 th May 2025
Supporting Statement	Orange Design Studio Architectural Practice		27 th May 2025

Dated: 13th June 2025