



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

Application Number: 2025/CL/92315/W

To: Mr Scargill,
ADP Architecture and Design Ltd
The Old Police Station
16 Bridge Lane
Holmfirth
HD9 7AN

For: MRS MARSHALL

FIRST SCHEDULE CERTIFICATE OF LAWFULNESS FOR PROPOSED
EXTENSION TO INTEGRAL GARAGE

SECOND SCHEDULE Lower Smithfield, Scholes Moor Road, Scholes, Holmfirth,
HD9 1RU

**KIRKLEES COUNCIL HEREBY REFUSES TO CERTIFY THAT ON 15-AUG-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 single storey side extension does not benefit from a general planning permission under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as it would be contrary to A.1(j) of the same Order by reason of the height exceeding 4 metres.

The proposed extended driveway does not benefit from a general planning permission under of Article 3(1) and Schedule 2, Part 1, Class F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as no evidence is provided to demonstrate the hardsurface will either drain onto land within the curtilage of the dwellinghouse or is constructed from porous material, thus contrary to condition M.2.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Existing block plan	25057D-02-P01		18th August 2025
Location plan, existing elevations and floor plan	25057D-01-P01		18th August 2025
Location plan, proposed site plan. elevations and floor plan	25057D-03-P02		18th August 2025

Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](https://www.mra.gov.uk/)

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 so that we can work on continually improving our customer service. Thank you.

Dated: **23-Oct-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**