

**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/92530/W

Site: 19, Chaucer Close, Honley, Holmfirth, HD9 6EN

Description: Certificate of lawfulness for proposed hip to gable
roof

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 23-Oct-2025

Officer Report

[Weblink](#)

Site Description

19 Chaucer Close is a semi-detached property which is constructed from artificial stone with a concrete tiled roof. The property sits within a rectangular shaped plot with access gained to the property from Chaucer Close to the front and Stony Lane to the rear. The main amenity space for the property is to the rear in the form of a lawned garden.

Description of Proposal

Permission is sought for a Certificate of Lawful Development of a proposed hip to gable roof form. The submitted application form and plans indicate that this would be to the roof form on a previously approved and part completed development under reference 2019/92352.

The property has not had its Permitted Development Rights removed.

History of negotiations/amendments received

No negotiations have taken place and no amended plans have been requested or received.

Relevant Planning History

2019/92352 Erection of single and two storey extension
Conditional Full Permission

Consultation Responses

None required as the application is for a Certificate of Lawful Development.

Issues and Assessment

Planning application 2019/92352 granted permission for a single and two storey extension to the rear of the property.

The submitted details indicate that a Certificate of Lawful Development is sought to alter the roof form of the two-storey extension from a hipped roof form to a gabled roof form.

However, the application form also states that the extension is partially complete.

The application seeks to exercise permitted development rights to alter the roof form of the partially completed extension.

Should the development implement a change in roof form prior to the extension being substantially complete (including the construction of the walls and roof form) which materially deviates from the approved plans then it cannot be deemed that the construction of the planning permission is being carried out in accordance with the approved plans and would, as such, be in breach of the original permission unless it can be demonstrated the 2019 development was completed in accordance with the approved plans. To exercise permitted development rights on an unlawful structure would be contrary to Article 3(5) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

In terms of commencement and completion of the works in accordance with the approved plans, the permission was granted on 10th October 2019. The permission stated under Condition 1 that the development shall be begun within three years of the date in which the permission was granted. Whilst the Local Planning Authority hold no formal records of when developments commence, the Council's Building Control records indicate that a site visit was undertaken to the site on 4th February 2022 whereby excavation works for foundations had taken place. As such, it is considered that the works commenced within the required timeframe pursuant to permission 2019/92352.

Evidence held publicly on Google Street View dated August 2025 indicates that the walls of the two storey element of the planning permission and the partial construction of the single storey element of the approved development have commenced however the roof forms were not constructed at the time the images were taken. Moreover, the application form states that approval is 'part completed'. Consequently it appears that the 2019 approved development is, so far, being constructed in accordance with the approved plans in August 2025. This application was received on the 8 September 2025.

National Planning Practice Guidance, sub-paragraph 006 is clear that the applicant is responsible for providing sufficient information to support the application. In this case, it is not entirely clear at the time of the application as to the extent of the development pursuant to planning permission 2019/92352 had been constructed. The evidence before the Local Planning Authority is that the two storey extension is stated as 'part completed' on the application form and the imagery available to Officers from Google Street View. Building Control records state that a site survey was undertaken on 7th November 2024 detailing that the two-storey roof structure was not yet in place. There is no further correspondence on file to confirm or refute completion of the works and it appears probable that the owners of the property delayed the completion of the roof in light of the proposed amendments to the roof form.

To exercise permitted development rights on the dwellinghouse in so far as amending the roof form of an incomplete development, it is considered the 2019/92352 approved permission would need to be "spent" (i.e. completed in accordance with the approved plans) before any further development can be carried out on that development. Once the approved planning permission is "spent" then development pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) may be

undertaken providing that development does not exceed relevant limitations. However, this is not the case in this instance as the extension to be amended appears not to be complete at the time of this application and as such the application seeks to amend the design of the 2019 permitted development rather than extend an existing part of the roof.

Therefore, taking into account the evidence supplied within the application submission and that which is accessible to Officer's from Building Control records and public access imagery it cannot be concluded that the proposed works could be implemented by virtue of a Certificate of Lawful Development as the approved 2019 development does not appear to be substantially completed.

Officer Note:

Should the applicant wish to alter the roof form of the development pursuant to permission 2019/92352 prior to the planning permission being substantially completed, it is advised that a new planning permission is obtained, or a Section 73 application is submitted to vary the submitted plans under Condition 2 of the decision notice.

Conclusion

As such, as the application relates to Class B of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), on the balance of probabilities, the alteration from a hipped design to a gable design does not benefit from a general planning permission under the Order.

Decision Notice Text

The proposed hip to gable alteration to plans pursuant to planning permission 2019/92352 does not benefit from a general planning permission under Article 3(1) and Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the works would materially deviate from the partially completed approved development granted for a single and two storey extension thus contrary to condition 2 and Article 3(5) of the same Order.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	19020D-10-R01		9 th September 2025
Proposed rear elevation	19020D-06-R02		9 th September 2025
Proposed side elevation	19020D-07-R02		9 th September 2025
Proposed ground floor plan	19020D-04-R03		9 th September 2025

Dated: 20th October 2025

