

**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/92578/E

Site: 97, Knowl Road, Mirfield, WF14 9RQ

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

Case Officer: Laura Yeadon

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 04-Nov-2025

Officer Report

[Weblink](#)

Site Description

97 Knowl Road is a semi-detached property constructed from stone which is located within an area without notation within the Kirklees Local Plan. The property is two storeys in height and set within a triangular shaped plot. To the side of the property is vehicular access from Knowl Road which leads to a detached pre-fabricated flat roofed double garage.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for the proposed removal of the existing garage and the erection of a replacement garage.

The garage would be located within the side amenity space to the property and would be sited in a similar position to that which is to be removed. The garage would have a depth of 10.05 metres, width of 8.5 metres with an eaves height of 2.4 metres and overall height of 3.95 metres.

2 no. garage doors would be located within the front elevation of the garage with a larger single "blocked" opening within the rear elevation. Within the side elevation facing the dwellinghouse would be 2 no. roof lights, a personnel door and 2 no. window openings. It is also proposed that a chimney would be located within the side elevation roof slope adjacent to the roof lights.

The application form states that the garage would be constructed from stone to match the existing house.

Officer note:

As part of a Certificate of Lawful Development, the onus is on the applicant to provide evidence which states why the proposal fits with the permitted development legislation. In this case, the applicant has stated on the application form that the proposal complies with permitted development rights.

History of negotiations/amendments received

The agent has been contacted regarding the proposal as the plans do not appear to be to scale. In addition, it appeared from the plan the proposed flue would result in the structure being higher than 4 metres as required within the regulations. In response, the Agent has submitted an amended plans which rectifies the issue regarding the scaling of the plans and has seen the reduction in height of the flue. The amended plan was received on 29th October 2025 and forms the basis of this assessment.

Relevant Planning History

2021/94647 Erection of single storey front and rear extensions to 97 and 99 Knowl Road and erection of single storey side extension to 97 Knowl road with associated external works

Conditional Full Permission

Consultation Responses

None required

Issues and Assessment

The main considerations in the determination of this application are:

1. Whether the proposed development would constitute development as defined within section 55 of the Town and Country Planning Act 1990;
1. If so, whether permitted development rights apply to the property; and
2. Whether the proposed development falls within permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1 (Development within the curtilage of a dwellinghouse), Class E (building etc incidental to the enjoyment of a dwellinghouse).

Schedule 2, Part 1, 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”.

In assessing the proposal against this:

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: *The dwellinghouse was not granted permission by any of the above.*

- a) 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: *No more than 50% of the total ground area would be covered by additions to the property.*

- b) 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: *No part of the building would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse.*

- c) the building would have more than one storey;

Comment: *The building would not have more than one storey.*

- d) 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 amended plan demonstrates that the building would be set in from the boundary by 2 metres and would not exceed 4 metres in height.*

- e) the height of the eaves of the building would exceed 2.5 metres;

Comment: *The height of the eaves of the building would not exceed 2.5 metres.*

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

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

- g) it would include the construction or provision of a veranda, balcony or raised platform;

Comment: *None of the above are proposed.*

- h) it relates to a dwelling or microwave antenna; or

Comment: *Not applicable*

- i) the capacity of the container would exceed 3,500 litres.; or

Comment: *Not applicable*

- j) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

Comment: *The dwellinghouse was not built under Part 20 of this Schedule.*

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

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

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

Comment:

E.3 In the case of 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 dwelling.

Comment: *The land within the curtilage is not on article 2(3) land.*

Interpretation of Class E

E.4 For the purposes of Class E, “purpose incidental to the enjoyment of the dwelling house as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

In this instance, the description of development is for a garage which would replace the existing pre-fabricated garage at the site. Whilst the proposed outbuilding is relatively large, the proposed use within the building is considered to be reasonably incidental to the enjoyment of the dwellinghouse.

Conclusion:

The proposal has been considered against the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is recommended for approval.

The proposed outbuilding to be used for purposes incidental to the enjoyment of the dwellinghouse as shown on proposed elevations and floor plan benefits from a general planning permission granted by virtue of Article 3(1) and

Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	License No. 100047474		17 th September 2025
Existing and proposed site plan (not to scale)			17 th September 2025
Proposed elevations and floor plans			29 th October 2025

Dated: 30th October 2025