

**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.: 2026/CL/90678/E

Site: 3, Weavers Close, Skelmanthorpe, Huddersfield,
HD8 9UT

Description: Certificate of lawfulness for proposed erection of
porch, outbuilding to rear and installation of window and alterations to convert
garage to living accommodation

Case Officer: Laura Yeadon

Decision Reference: LAWFUL OPERATIONS APPROVED

**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.**

John Holmes

AUTHORISED OFFICER

Date 21-Jul-2026

Officer Report

[Weblink](#)

Site Description

3 Weavers Close is a modern detached property which is constructed from stone. There is a driveway to the front of the property leading to an integral garage. The amenity space for the property is mainly to the rear.

Description of Proposal

Permission is sought for a Certificate of Lawful Development for the proposed erection of porch, outbuilding to rear and installation of window and alterations to convert garage to living accommodation. It is also noted that an additional parking space would be formed to the front of the property.

The plans detail the following:

Porch

A porch is proposed to the front elevation of the property. The porch would project 1.815 metres from the front elevation of the property with a total width of 1.529 metres. The total height of the porch would be 3 metres. The structure would be partially enclosed and partially a canopy.

Outbuilding

An outbuilding is proposed within the rear garden area of the property. Whilst no detailed plans have been submitted, the proposed site plan drawing is annotated to detail the building as having dimensions of 7.68 metres x 3.55 metres with a maximum ridge height of 2.454 metres. No details have been submitted in terms of the accommodation proposed or the proposed construction materials.

Garage conversion

It is proposed that the existing integral garage would be living accommodation which would include the removal of the existing garage door and its replacement with a window. Internal works are proposed to create accommodation. No details have been submitted in terms of the accommodation proposed or the proposed construction materials to infill the garage door opening.

Additional parking

The proposed site plan indicates that an additional parking space would be located to the front of the dwelling, adjacent to the existing parking space. The space created would measure 5 metres in depth and 2.5 metres in width.

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 is permitted development.

History of negotiations/amendments received

The Agent was contacted during the course of the application with regards to the footprint of the proposed porch. A detailed plan was submitted with an accompanying email on 12th May 2026 and is included as part of the assessment of the proposal.

Relevant Planning History

2007/90494 – Outline application for residential development (24 dwellings) – Refused

2007/94126 – Outline application for erection of 30 dwellings – Withdrawn

2012/92948 – Erection of 26 dwellings – Refused – appeal upheld

2014/90593 – Discharge condition 6 (contamination) on previous permission 2012/92948 for erection of 26 dwellings – Refused

2014/905934 – Discharge condition 8 (drainage) on previous number 2012/92948 for erection of 26 dwellings – Approved

2014/91802 – Discharge of conditions 3 (materials) and 10 (construction method statement) on previous permission 2012/92948 – Split decision

2014/92340 – Discharge of condition 7 (off site highway improvement works) on appeal decision APP/Z4718/A/13/2201340 application no. 2012/92948 for residential development of 26 no. dwellings – Approved

2014/92341 - Discharge conditions 4. (landscaping) and 9. (enhancement/mitigation measures) on Appeal Decision APP/Z4718/A/13/2201340 application no. 2012/92948 for residential development of 26 No. dwellings – Refused

2014/92453 - Non material amendment to previous permission 2012/92948 for erection of 26 dwellings – Approved

2025/91480 - Erection of single storey front and rear extensions with front porch and associated alterations – 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;
2. If so, whether permitted development rights apply to the property; and
3. 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).

In this instance, a number of works are proposed which fall to be assessed under various classes under Schedule 2, Part 1. In summary, these are:

- Class A – enlargement, improvement or other alteration of a dwellinghouse
 - Proposed garage conversion
- Class D – the erection or construction of a porch outside any external door of a dwellinghouse
 - Proposed porch
- Class E – buildings etc incidental to the enjoyment of the dwellinghouse
 - Proposed outbuilding
- Class F – hard surfaces incidental to the enjoyment of the dwellinghouse
 - Proposed additional parking space

Class A – garage conversion

Development not permitted

A.1 Development is not permitted by Class A 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 was not granted by virtue of any of the above.*

- b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original

dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

Comment: *There is no proposed increase in the original footprint of the dwellinghouse.*

- c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

Comment: *No enlargement to the dwellinghouse is proposed.*

- d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse

Comment: *No enlargement to the dwellinghouse is proposed.*

- e) The enlarged part of the dwellinghouse would extend beyond a wall which –
 - (i) forms the principal elevation of the original dwellinghouse; or
 - (ii) fronts a highway and forms a side elevation of the original dwellinghouse;

Comment: *No enlargement to the dwellinghouse is proposed.*

- f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and-
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwelling, or 3 metres in the case of any other dwellinghouse.
 - (ii) Exceed 4 metres in height;

Comment: *No enlargement to the dwellinghouse is proposed.*

- g) For a dwelling not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single story and –
 - (i) Extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
 - (ii) Exceed 4 metres in height

Comment: *No enlargement to the dwellinghouse is proposed.*

- h) The enlarged part of the dwellinghouse would have more than a single storey and-

- (i) Extend beyond the rear wall of the dwellinghouse by more than 3 metres, or
- (ii) Be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse

Comment: No enlargement to the dwellinghouse is proposed.

- i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

Comment: No enlargement to the dwellinghouse is proposed.

- j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would-
 - (i) Exceed 4 metres in height
 - (ii) Have more than a single storey, or
 - (iii) Have a width greater than half the width of the original dwellinghouse

Comment: No enlargement to the dwellinghouse is proposed.

- ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j)

Comment: No enlargement to the dwellinghouse is proposed.

- k) It would consist of or include –
 - (i) The construction or provision of a verandah, balcony or raised platform
 - (ii) The installation, alteration or replacement of a microwave antenna,
 - (iii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (iv) An alteration to any part of the roof of the dwellinghouse

Comment: None of the above are proposed.

- l) The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

Comment: The dwellinghouse was not granted permission under Part 20.

A.1 Development is not permitted by Class A if –

Conditions

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if:

- a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

A.3 Development is permitted by Class A subject to the following conditions—

- a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and
 - (iii) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, as far as practicable, be the same as the roof pitch of the original dwellinghouse.

Class D – Porch

Development not permitted

D.1 Development is not permitted by Class D 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 was not granted for the use of the dwellinghouse as a dwellinghouse by any of the above Classes.*

- b) the ground area (measured externally) would exceed 3 square metres;

Comment: *The ground area when measured externally would not exceed 3 square metres.*

- c) any part of the structure would be more than 3 metres above ground level;

Comment: *The structure would not be more than 3 metres above ground level.*

- d) any part of the structure would be within 2 metres of the boundary of the curtilage of the dwellinghouse with a highway, or

Comment: *No part of the structure would be within 2 metres of the boundary of the curtilage of the dwellinghouse with a highway.*

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

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

Class E – outbuilding

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.*

- 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: *No more than 50% of the total area of ground within the curtilage would be covered by buildings, enclosures or containers.*

- 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 proposed outbuilding 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 one storey;

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

- e) the height of the building, enclosure or container would exceed –

- (iii) 4 metres in the case of a building with a dual-pitched roof,
- (iv) 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
- (v) 3 metres in any other case

Comment: *The location of the building would be within 2 metres of a boundary of the curtilage of the dwellinghouse however would not be more than 2.5 metres in height.*

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

Comment: *The submitted details indicate that the overall height of the building would not exceed 2.454 metres in ridge height and therefore, should the building have a flat roof, the height of the eaves would 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 located within the curtilage of a listed building.*

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

Comment: *The plans do not indicate that any of the above are proposed.*

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

Comment: *The plans do not indicate that any of the above are proposed.*

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

Comment: *Not applicable*

- k) 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 –

- (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 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: *No part of the and is within any of the above.*

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.

Comment: *The proposed use of the outbuilding is to be used as a garden room/summer house which has been clarified by email. This use is considered to be incidental to the enjoyment of the dwellinghouse.*

Class F - hardstanding

Permitted development

F. Development consisting of –

- (a) the provision within the curtilage of a dwellinghouse of a hard surface for any purpose to the enjoyment of the dwellinghouse as such; or
- (b) the replacement in whole or in part of such a surface

Development not permitted

F.1 Development not permitted by Class F 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.*

- (b) The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

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

Conditions

F.2 Development is permitted by Class F subject to the condition that where-

- (a) the hard surface would be situated on land between a wall forming the principal elevation of the dwelling and a highway, and

Comment: *The hard surface would be situated on land between a wall forming the principal elevation of the dwelling and a highway.*

- (b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,

either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area of surface within the curtilage of the dwellinghouse.

Comment: *The proposal would need to comply with this condition to benefit from a general planning permission under Class F.*

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 porch, outbuilding, garage conversion and hardstanding for parking benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Class A, D, E and F of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) subject to conditions within Class A.3 and F.2 of the same Order.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form	PP-14757277		10 th March 2026
Location plan	2104 – OS		10 th March 2026
Existing and proposed	2104 – 2		10 th March 2026

Plan Type	Reference	Version	Date Received
site plan			
Existing and proposed elevations and floor plans	2104 – 1		10 th March 2026
Porch floor plan			12 th May 2026