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/90722/W

Site: 152, Woodside Road, Beaumont Park, Huddersfield, HD4 5JF

Description: Certificate of lawfulness for proposed garage conversion and erection of rear canopy with associated external alterations

Case Officer**:** Laura Yeadon

Decision Reference: Certificate Granted

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.

Lee Stoney

AUTHORISED OFFICER

Date 29-May-2026

Officer Report

Site Description

152 Woodside Road is a large detached residential dwelling located within an area without notation on the Kirklees Local Plan. The property is constructed from stone and has a slate roof. The property hosts amenity areas which surround the property with a driveway to the side leading to a detached flat roof garage.

Description of Proposal

Permission is sought for a Certificate of Lawfulness for the proposed conversion of the detached garage with the erection of a rear canopy and associated alterations.

The alterations include the internal conversion of the garage to a home office, slide and slack doors to the rear elevation, alterations to the front elevation to create personnel doors and the blocking up of the existing garage door.

It is noted that there is no proposed increase in footprint to the garage and that the structure appears to be an 'original' feature on the 1955 historical maps held by the Council. As such, the garage structure appears to have been constructed more than 4 years before April 2024 and is therefore immune from enforcement action.

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

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

Relevant Planning History

2025/92134 – Certificate of lawfulness for proposed garage conversion and erection of rear canopy with associated external alterations – Refused

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".

It is considered that in the case, the proposed works would constitute the maintenance, improvement and alterations of the existing outbuilding. The assessment is concerned with the alterations of the existing garage which appears to be an 'original' structure to the property.

is noted that the elevation plans provided with the application are indicated to be at a scale of 1:100 which appears to be incorrect. However, when scaled at 1:50 the measurements accord with the annotated width of the sliding doors and measurements of the external walls of the building taken from the Council's mapping systems.

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% off the total area of ground within the curtilage would be covered by buildings, enclosures or containers.*

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*: N/A as the building is existing however no part of the building would be located forward of a wall forming the principal elevation of the original dwellinghouse.*

c) the building would have more than one storey;

Comment: The building does 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 building is proposed to be altered with changes to door and fenestration and the erection of a canopy (below 2.5 metres in height). Whilst the building would be within 2 metres of a boundary and more than 2.5 metres in height, there are no proposed alterations to exceed the height of the original building which is considered to be a lawful structure.*

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

Comment*: Not applicable as there are no proposed alterations to increase the height of the existing lawful building.*

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

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

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

Comment*: The proposed works to not include any of the above.*

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 –

(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:** Not applicable*

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.

The plans have amended from the previously refused scheme with the Design Revision Statement stating that:

The internal layout has been simplified to make clear that the space will function as a single private home office, incidental to the enjoyment of the dwellinghouse.

- *The original layout, which showed multiple desk positions, has been revised to a single workstation supported by appropriate shelving and storage space.*

- *The room will be used for quiet, desk-based work by the homeowner only.*
- *There will be no client appointments, and the proposal does not include provision for additional staff.*
- *The use remains ancillary and subordinate to the main dwelling, replacing the existing study within the house rather than introducing a separate commercial use.*

These amendments are considered to overcome previous concerns.

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 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
Application form	PP-14737065		13th March 2026
Location plan	AR-01		13th March 2026
Existing elevations and floor plan	AR-02		13th March 2026
Proposed elevations and floor plan	AR-03		13th March 2026
Design Revision Statement	October 2025		13th March 2026

Dated: 18th May 2026