

**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/90934/W

Site: Bank Top Barn, Bank End Road, Bolster Moor,  
Huddersfield, HD7 4JN

Description: Certificate of lawfulness for proposed erection of  
single storey rear extension

Case Officer: Laura Yeadon

**Decision Reference: Certificate of Lawfulness - 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.**

Kirsty Nicholls

**AUTHORISED OFFICER**

**Date 28-May-2026**

## **Officer Report**

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### **Site Description**

Bank Top Barn is a detached dwelling which is located within the Green Belt as defined within the Kirklees Local Plan. The property is two storeys in height and constructed from stone and is a former barn conversion. Amenity space for the property is mainly to the rear and to the side is a driveway.

### **Description of Proposal**

A Certificate of Lawfulness is sought for the erection of a single storey rear extension.

The proposed extension would be set in slightly from the side elevation facing No. 22 and would have a projection of 4.6 metres and width of 5.2 metres. The eaves height would be 2 metres with an overall height of 4 metres.

The proposed construction materials would be reclaimed natural stone for the walls, natural stone slates for the roof with powder coated aluminium for the windows and doors.

### **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 meets permitted development criteria.

### **History of negotiations/amendments received**

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

### **Relevant Planning History**

1996/93610 – Change of use of barn to dwelling – Conditional Full Permission

1997/93709 – Re-use of bar and new extension to form dwelling – Conditional Full Permission

2011/92689 – Erection of garden room – Conditional Full Permission

2012/90256 – Erection of garden room – Conditional Full Permission

### **Consultation Responses**

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

### **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)

In this case, the proposed development would be for the erection of a single storey rear extension.

Planning application 1996/93610 granted permission for the change of use of barn to dwelling. A subsequent application was submitted under 1997/92790 which was for re-use of the existing barn and new extension to form dwelling which was also granted permission. The plans for the 1997 application are available to view and appear to reflect the dwellinghouse as existing on site at the present day, with the extension to the side of the building.

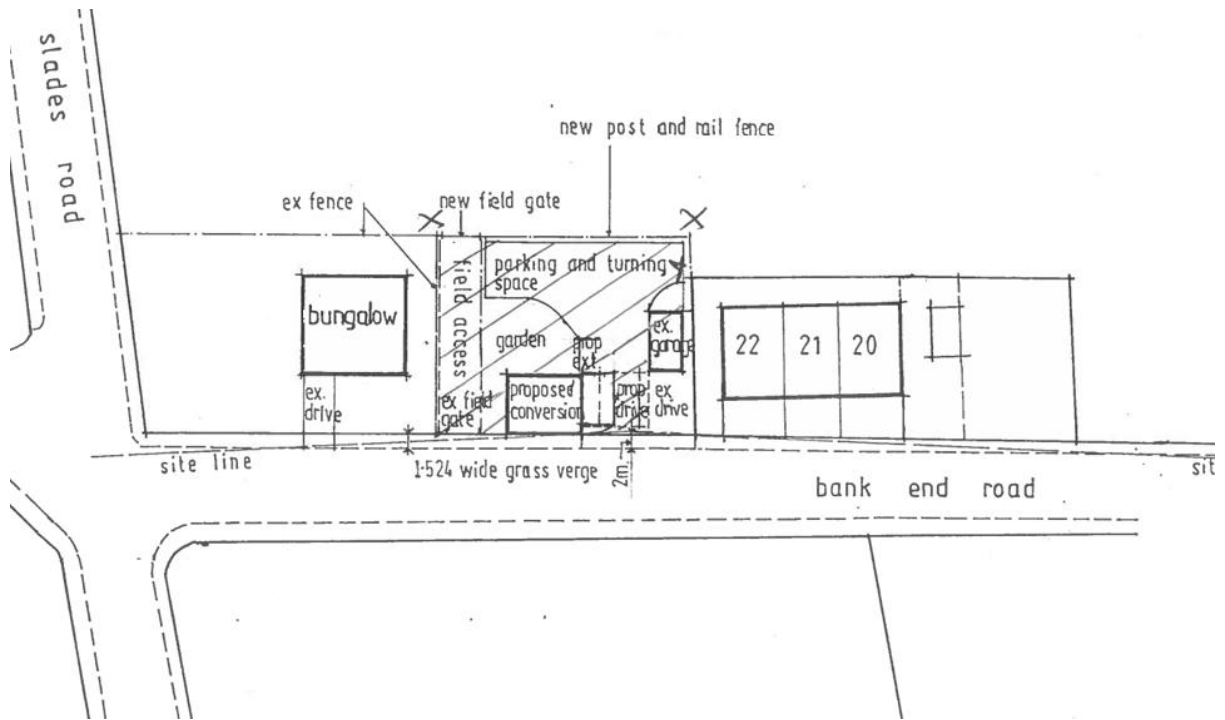
Condition 15 of application number 1997/93709 states:

*(15) Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 1995, permitted development rights are withdrawn for the erection of any building or extension in the area hatched on the approved plan.*

The reason for imposing this condition was:

*(15) In the interest of visual amenity.*

For clarity, the area hatched on the approved plans can be seen here:



Article 3(4) of the GDPO 2015 provides that permitted development rights will not apply if they are 'contrary to any condition imposed by any planning permission granted or deemed to be granted under Part 4 (or Part 13) of the Act [TCPA 1990] otherwise than by this Order'.

As permitted rights have been removed for the erection of any building or extension to the property, the proposed single storey rear extension would be contrary to condition 15 of permission 1997/93709 and permitted development rights do not apply.

### Conclusion

As such, as the application relates to Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), the erection of a single storey rear extension does not benefit from a general planning permission under the Order.

### Decision Notice Text

The proposed single storey rear extension does not benefit from a general planning permission under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the development would be contrary to condition 15 of planning permission reference 1997/93709, this not permitted by virtue of Article 3(4) of the same Order.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
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<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Application Form	PP-14801185		1 <sup>st</sup> April 2026
Location Plan	WHPR 26-0006 – 01		1 <sup>st</sup> April 2026
Existing and Proposed Block Plan, Elevations and Floor Plans	WHPR 26-0006 – 02 – Rev: B		1 <sup>st</sup> April 2026

**Dated:** 20<sup>th</sup> May 2026