

Address: 18, South Brook Gardens, Mirfield, WF14 8LS

Search application details

Application number: 2026/CLD/91507/E	
What is the application for?:	Certificate of lawfulness for proposed change of use of residential dwelling (Us
Address of the site or building:	12, South Brook Gardens, Mirfield, WF14 8LS
Postcode:	WF14 8LS

User comments

Type of comment: An objection	
Do you wish your comments to be published on the website anonymously?	No
Objection Reason: Inaccuracy of Proposed Use Class, Material Change of Use, and Extreme Over-Intensification Dear Case Officer, I am writing to formally object to the issuance of a Certificate of Lawful Development for the proposed change of use at 12 South Brook Gardens. The application seeks to establish that the property's use as a House in Multiple Occupation (HMO) falls within Use Class C4 (small HMO, maximum 6 residents) and is therefore permitted development. However, the physical configuration, specific room sizes, and inescapable infrastructure constraints of this exact site layout demonstrate that the property will operate as a Large HMO (Sui Generis). This represents a material change of use that requires full planning permission. The legal and factual grounds for this objection are detailed below: 1. Factual Intent for 10 Occupants (Sui Generis Use) Under the Town and Country Planning (Use Classes) Order, Use Class C4 permits a maximum of 6 residents. The submitted plans outline 5 double bedrooms, all exceeding 10.22 square metres in floor area. Under Section 326 of the Housing Act 1985 and Kirklees Council's own HMO Amenity Standards, a room exceeding 10.22 sqm is legally classified as a double room capable of accommodating two adults. The property is thus structurally optimized and sized to accommodate up to 10 occupants (5 rooms x 2 adults). This capacity moves the development entirely out of Class C4 and places it into a Sui Generis (Large HMO) classification, which possesses no permitted development rights. 2. Evidential Proof of a Material Change of Use (Parking and Intensification) To qualify for a CLD, the applicant must demonstrate that the change of use is not "material" under Section 55 of the Town and Country Planning Act 1990. Case law dictates that whether a change is material depends heavily on the character of the use and its physical impact on the immediate surroundings. • Driveway Capacity vs. Occupancy: The property features a private driveway capable of hosting a maximum of 2 vehicles. A 10 person occupancy layout means the physical	

of hosting a maximum of 2 vehicles. A 10-person occupancy layout means the physical infrastructure on-site can only satisfy a minute fraction of potential resident vehicle demand.

- On-Street Commuter Realities: South Brook Gardens is a distinct residential cul-de-sac directly impacted by its close proximity to Mirfield Train Station. As a factual matter of local infrastructure, the available on-street parking is already entirely exhausted daily by rail commuter traffic.

- The Threshold of Materiality: The introduction of up to 10 independent adults into a single dwelling with a 2-car driveway will generate an immediate, intense overspill of vehicles onto an already oversaturated public highway. This level of external disruption changes the character of the site from a quiet residential dwelling (C3) to an intense commercial lodging house. This proves that a material change of use will occur, stripping the development of its permitted development status.

3. Summary of Request

The applicant cannot use a C4 Permitted Development mechanism as a shield for a layout clearly designed to act as a 10-person Sui Generis HMO. Because the physical plans dictate an intensity of use that cannot logistically or legally operate within C4 limits, the proposal is factually incorrect and not lawful.

I respectfully request that Kirklees Council refuse this Certificate of Lawful Development. The applicant must be required to submit a full planning application so that the Highways and Planning teams can properly assess the impact of this intensification against the Kirklees Local Plan.

Yours sincerely,