
Appeal Decision

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by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 June 2026

Appeal Ref: APP/Z4718/X/25/3373814

23 Herdwick Road, Flockton, Huddersfield, WF4 4FJ

- The appeal is made under section 195 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mrs Sharon Hunt against the decision of Kirklees Metropolitan Council.
 - The application ref 2025/91060, dated 13 April 2025, was refused by notice dated 9 September 2025.
 - The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 (as amended).
 - The development for which a certificate of lawful use or development is sought is proposed alterations to the integral garage to extend living accommodation.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. For the avoidance of doubt, I make clear that the planning merits of the alterations to the integral garage to extend living accommodation are not relevant in this appeal. My decision rests on the facts of the case and on relevant planning law and judicial authority.

Main Issue

3. The main issue is whether the Council's decision to refuse to grant an LDC was well-founded with particular regard to whether the proposal is an act of development requiring planning permission.

Reasons

4. It is proposed to remove an existing garage door to an existing integral double garage and to replace the resultant opening with a matching stone wall and including a window. A skylight is proposed to its roof. The existing garage would be used as a dining room, and a new internal partition wall would be erected to separate the proposed dining room from the remaining garage.
5. The proposed external alterations to the dwellinghouse would constitute operational development. Hence, it would be an act of development under section 55(1) of the Act. In my judgement, such operational development would not be exempt from the definition of development under section 55(2)(a)(ii) of the Act as it would materially alter the external appearance of the building.
6. While such external alterations would ordinarily fall to be permitted development under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General

Permitted Development) (England) Order 2015 (as amended) (GPDO), the evidence is that such permitted development rights were removed from the appeal property as part of condition No. 12 of planning permission reference 2017/91269. This condition states *'Notwithstanding the provisions of section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Act or Order with or without modification) no development included within Classes A, B, C or E of Part 1 of Schedule 2 to that Order shall be carried out'*.

7. It is also noteworthy that condition No. 13 of the same planning permission states *'Notwithstanding the provisions of section 55 (2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Act or Order with or without modification) no doors, windows or any other openings (apart from any expressly allowed by this permission) shall be created in any elevation of the approved dwellings'*.
8. Given the above, I conclude that the proposal constitutes an act of development and, moreover, would not be permitted development under the GPDO. Consequently, planning permission is required for the proposed development. The appellant has referred to No. 21 Herdwick Road and states that planning permission was approved to erect a dormer extension with a balcony and some rooflights to the front. I do not know the circumstances which led to this development being approved but, in any event, the appeal proposal relates to an application for an LDC and not for planning permission. While this appeal is dismissed, it does not mean that the appellant is prohibited from submitting a planning application to the local planning authority for the same proposal. Unlike this LDC application, such a proposal would be considered against the development plan for the area and any other material planning considerations.

Conclusion

9. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development for proposed alterations to the integral garage to extend living accommodation was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act (as amended).

D Hartley

INSPECTOR