

## **Appendix KC8** Kirklees Council Planning officer note

The approved layout plan (13072D-200-P01) pursuant to the 2014 planning permission (2014/92814) includes reference to the continuation of the boundary wall and electric gates relocated to new driveway. You have asked whether these elements in themselves would require planning permission.

Looking at the existing boundary wall, this appears to be less than 1m in height above ground level. It would therefore not be unreasonable to assume that a continuation of the wall would also be less than 1m in height about ground level and it would therefore not require planning permission (being permitted development under Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. My only caveat to that is that Part 2 excludes from permitted development works that would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building. Arguably, although the red line of the 2014 application excluded Stone House, which is Grade II listed, the wall could be argued to be a continuation of a means of enclosure to the Listed Building such that it would require planning permission in its own right. I would have to research the origins of the boundary wall and its relationship to Stone House to give a definitive view on that.

In terms of the construction of the retaining wall and the creation of a tarmacked area for the parking of cars, these elements were also included in the various planning permissions on this site as well as a Non-Material Amendment (NMA) application. That aside, the construction of a retaining wall and the creation of a hard-surfaced area are engineering operations that would be likely to require planning permission. In my view, based on the information that I have seen, the change in level and the construction of the retaining wall would require planning permission (hence their inclusion within the original permission). Subject to specific criteria, the hard surfacing would not, in and of itself, require planning permission because the provision within the curtilage of a dwellinghouse of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse is permitted development. This is subject to it not being an area that would lie between a wall forming the principal elevation of the dwellinghouse and a highway, and the area of ground covered by the hard surface, or the area of hard surface replaced not would exceed 5 square metres and if it did, it were made of porous materials or provision was made for direct run-off water to a permeable or porous area or surface within the curtilage of the dwellinghouse. Assuming compliance with the PD regulations, what the applicant subsequently used that hard surfacing for i.e. for car parking, would not require planning permission per se – it is the change/creation of the surface that may or may not require permission. Changing the driveway to lawn within the curtilage of an existing dwellinghouse would also not, in my view, require planning permission.

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