



KIRKLEES COUNCIL

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 191
(as amended by Section 10 of the Planning and Compensation Act 1991)**

**TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE)
(ENGLAND) ORDER 2015: ARTICLE 39**

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Application Number: 2016/19/90632/E

To: Tony Gernon,
Happy Jays Ltd
4, Carlinghow Hill
Batley
WF17 8LS

For: Happy Jays Ltd

FIRST SCHEDULE CERTIFICATE OF LAWFULNESS FOR EXISTING USE OF
PREMISES AS DAY NURSERY (WITHIN A CONSERVATION
AREA)

SECOND SCHEDULE HAPPY JAYS LTD, 4, CARLINGHOW HILL, BATLEY, WF17
8LS

**KIRKLEES COUNCIL HEREBY CERTIFY THAT ON 24-FEB-2016 THE USE
DESCRIBED IN THE FIRST SCHEDULE THERETO IN RESPECT OF THE LAND
SPECIFIED IN THE SECOND SCHEDULE HERETO AND EDGED RED ON THE
PLANS ATTACHED TO THIS CERTIFICATE WAS LAWFUL WITHIN THE MEANING
OF SECTION 191 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS
AMENDED), FOR THE FOLLOWING REASONS:**

The evidence, on balance of probability, shows that the use of the premises as a childrens' day nursery has continued, uninterrupted, with no intervening uses, for a period of at least 10 years from the date of the application within the whole of the building and associated ancillary land shown edged red on the submitted location plan.

The childrens' nursery is considered to fall within Class D1 of the Use Classes Order 1987.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Site Location Plan			24.02.16
Accompanying Statement of Evidence			24.02.16
Affidavit – Christine Westbury			24.02.16
Affidavit – Margaret Grace Pollard			24.02.16
Record of Kirklees Council Business Rates			19.04.16

Development within a Coal Mining Area

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0345 762 6848. It should also be noted that this site may lie in an area where a current licence exists for underground coal mining.

Further information is also available on The Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com

If the application has been publicised by notice(s) in the vicinity of the site. It is respectfully requested that the notice(s) now be removed and responsibly disposed of to avoid harm to the appearance of the area

NOTES:

- (1) This certificate is issued solely for the purpose of section 191 of the Town and Country Planning Act 1990 (as amended).
- (2) It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule would be lawful on the specified date and, thus, was not liable to enforcement action under Section 172 of the 1990 Act on that date.
- (3) This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

- (4) The effect of the certificate is also qualified by the proviso in Section 191 (6) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.
- (5) If the applicant is aggrieved by the decision of the Local Planning Authority to issue a certificate of lawfulness of development, for any part development applied for (including any modification or substitution of the description of the use), s/he may appeal to the Secretary of State in accordance with Sections 195 and 196 of the Town and Country Planning Act 1990 (as amended). Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <https://acp.planninginspectorate.gov.uk> . Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.

An important part of improving our service is to review your feedback on the way that we have dealt with your planning application(s). Please take a couple of minutes to email your comments to dc.admin@kirklees.gov.uk so that we can work on continually improving our customer service. Thank you.

Dated: 20-Apr-2016

Signed: 

Jacqui Gedman
Director of Place

Address to which all communications should be sent:-

Planning
Investment & Regeneration Service
PO Box B93
Civic Centre 3
Huddersfield
HD1 2JR