KIRKLEES COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 192
(as amended by Section 10 of the Planning and Compensation Act 1991)

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

REFUSAL OF CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Application Number: 2016/CL/93964/E

To: D Smith
46, Leeds Old Road
Heckmondwike
WF16 9AQ

For: D Smith

FIRST SCHEDULE CERTIFICATE OF LAWFULNESS FOR PROPOSED ERECTION OF SINGLE STOREY REAR EXTENSION

SECOND SCHEDULE 5, Chevins Close, Birstall, Batley, WF17 0QQ

KIRKLEES COUNCIL HEREBY REFUSES TO CERTIFY THAT ON 02-DEC-2016 THE OPERATIONS DESCRIBED IN THE FIRST SCHEDULE THERETO IN RESPECT OF THE LAND SPECIFIED IN THE SECOND SCHEDULE HERETO AND EDGED RED ON THE SUBMITTED PLANS WOULD BE LAWFUL WITHIN THE MEANING OF SECTION 192 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED), FOR THE FOLLOWING REASONS:

The proposed single storey rear extension as shown on the submitted plans listed in this decision notice would not benefit from general planning permission granted under Schedule 2, Part 1 (Development within the curtilage of a dwelling house), Class A (enlargement, improvement or other alteration of a dwellinghouse) of the Town and Country Planning (General Permitted Development) Order 2015. This is because the proposed enlargement would extend beyond a side elevation of the original dwellinghouse and by virtue of the proposed 6.5 metre width, exceeds half the width of the original house. The proposed enlargement also extends beyond the side elevation of the original dwellinghouse and fronts a highway.

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Existing plan	1	614339	02/12/2016
Proposed plans	2	614338	02/12/2016

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) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse an application for a certificate of lawfulness of development, in whole or part (including any modification or substitution of the description of the use, operations or any other matter), 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.

(2) This decision is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended)

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: 30-Dec-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
Off Market Street
Huddersfield
HD1 2JR