



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 (GENERAL DEVELOPMENT PROCEDURE) ORDER 2015:
ARTICLE 39**

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Application Number: 2020/CL/91358/W

To: Lucas Akins,
Current Cars Ltd
22B, Heys Road
Thongsbridge
Holmfirth
HD9 7SF

For: Lucas Akins, Current Cars Ltd

FIRST SCHEDULE CERTIFICATE OF LAWFULNESS FOR USE OF DWELLING
FOR TAXI SERVICE

SECOND SCHEDULE 22B, HEYS ROAD, THONGSBRIDGE, HOLMFIRTH, HD9
7SF

KIRKLEES COUNCIL HEREBY CERTIFY THAT ON 13-MAY-2020 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 WOULD BE LAWFUL WITHIN THE MEANING OF SECTION 192 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED), FOR THE FOLLOWING REASONS:

On the balance of probability the operation of a taxi service as described in the application form from the dwellinghouse would not constitute a material change in use of the building and as such it is not considered to amount to development as defined within Section 55 of the Town and Country Planning Act 1990 (as amended) and would therefore be lawful pursuant to Section 192 of the Act.

The proposed taxi use consists of an ancillary use of the dwellinghouse by the occupier for the taking of taxi bookings including a single vehicle parking at the dwellinghouse with no calling, waiting, collecting or depositing of passengers or calling at the dwelling by drivers; including taking orders or instructions, making payments, or for taking refreshments.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan			11th May 2020
Photo 1			11th May 2020
Photo 2			11th May 2020
Photo 3			11th May 2020
Photo 4			11th May 2020
Photo 5			11th May 2020
Photo 6			11th May 2020

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

If the application has been publicised by notice(s) in the vicinity of the site, please would you now remove the notice(s) and dispose of it/them responsibly to avoid harm to the appearance of the local area.

NOTES:

- (1) This certificate is issued solely for the purpose of section 192 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 192 (4) 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://www.gov.uk/planning-inspectorate>. 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: 08-Jul-2020

Signed:



Karl Battersby
Strategic Director Economy and Infrastructure

Address to which all communications should be sent:-

Planning
Investment & Regeneration Service
PO Box B93
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