



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: 2021/CL/91210/E

To: Emma Turnbull,
Windmill CofE Primary School
Upper Batley Lane
Birstall
Batley
WF17 0NP

For: Emma Turnbull, Windmill C of E Primary School

FIRST SCHEDULE CERTIFICATE OF LAWFULNESS FOR PROPOSED CAR
PARK EXTENSION

SECOND SCHEDULE Windmill Church Of England Primary School, Upper Batley
Lane, Batley, WF17 0NP

**KIRKLEES COUNCIL HEREBY REFUSES TO CERTIFY THAT ON 06-APR-2021 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 hardstanding within the grounds of Windmill Church of England Junior School would not meet the criteria for permitted development as set out in Schedule 2, Part 7, Class N of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) as the resultant hardstanding is more than 50sqm in area contrary to paragraph N.1(a) of Class N.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Application form	-	862258	06/04/2021
Location plan	-	863249	06/04/2021
Proposed plans	-	862257	06/04/2021
Report for 2019/92106	-	862259	06/04/2021

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.

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

If this 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) 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://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>.

- (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: 27-May-2021

Signed:



David Shepherd
Strategic Director Growth and Regeneration

Address to which all communications should be sent:-

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