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: 2021/CL/91398/W

To: Adrian Rose,
Rose Consulting
16, Rhodesia Avenue
Halifax
HX30PB

For: Northern Community Pathways Residential

FIRST SCHEDULE CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OF PREMISES AS HOME FOR UP TO THREE CHILDREN OR YOUNG PEOPLE

SECOND SCHEDULE 608, NEW HEY ROAD, MOUNT, HUDDERSFIELD, HD3 3XJ

KIRKLEES COUNCIL HEREBY CERTIFY THAT ON 06-APR-2021 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 occupation of 608 New Hey Road, Mount, Huddersfield, HD3 3XJ by up to 3 children/young persons with two carers on a 24 hour shift basis including sleeping in overnight would not constitute a material change in the use of this building and as such 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.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			6th April 2021
Supporting Statement			6th April 2021
Location plan			6th April 2021
Photographs			6th April 2021
Additional information			13th May 2021
Additional information			17th May 2021

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. 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 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: 03-Jun-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
Huddersfield
HD1 2JR