



**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**

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**Application Number: 2021/CL/92280/W**

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**To:** B Grieve  
Wellhouse Heights  
20, Upper Wellhouse Road  
Wellhouse  
Huddersfield  
HD7 4EU

**For:** B Grieve

**FIRST SCHEDULE** CERTIFICATE OF LAWFULNESS FOR PROPOSED  
ERECTION OF DETACHED OUTBUILDING (WITHIN A  
CONSERVATION AREA)

**SECOND SCHEDULE** WELLHOUSE HEIGHTS, 20 , UPPER WELLHOUSE ROAD,  
WELLHOUSE, HUDDERSFIELD, HD7 4EU

**KIRKLEES COUNCIL HEREBY CERTIFY THAT ON 08-JUN-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 PLANS SUBMITTED WITH THIS  
APPLICATION 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 detached outbuilding benefits from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Plans and specifications schedule:-

| Plan Type                           | Reference                       | Version | Date Received   |
|-------------------------------------|---------------------------------|---------|-----------------|
| Location plan                       |                                 |         | 4th August 2021 |
| Proposed elevations and floor plans | P5-4333H-R-Helena Garden Office |         | 8th June 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 Planning 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. Due to the original location of the outbuilding being located on top of the existing garage, the proposal would not conform with current regulations. As such, the applicant was contacted and the outbuilding has been relocated.

**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 operations 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 operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation(s) which are 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 operations), 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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

**Dated:** 05-Aug-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**