



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/92965/E

To: B Nagarsenkar
90, Amberwood Chase
Shaw Cross
Dewsbury
WF12 7PZ

For: B Nagarsenkar

FIRST SCHEDULE CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OF
PREMISES FOR COOKING AND SELLING FOOD

SECOND SCHEDULE 90, Amberwood Chase, Shaw Cross, Dewsbury, WF12 7PZ

**KIRKLEES COUNCIL HEREBY REFUSES TO CERTIFY THAT ON 30-JUL-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
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:**

It is considered, on the balance of probabilities, that the proposal would lead to development occurring, as defined by section 55 of the Town and Country Planning Act 1990, consisting of a material change of use from a single domestic residence to a combination of a single domestic residence and the cooking and selling/delivering of hot food. Under the provision of section 57 of the same Act and in the absence of any planning permission the proposed development would not be lawful for the purposes of planning control.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	TQRQM21211142713854		30/07/21
Existing Ground Floor Plan	54.00.14		30/07/21

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. However, it is considered that the information that they have supplied about their proposals suggests that they will lead to a material change of use of the property requiring formal planning permission.

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://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: 24-Nov-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