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: 2022/CL/90864/W

To: Scott Smith,
drawmyextension.co.uk
21A, Phoebe Lane Industrial Estate
Phoebe Lane
Halifax
HX3 9EX

For: S Mitchell

FIRST SCHEDULE	CERTIFICATE OF LAWFULNESS FOR PROPOSED SINGLE STOREY REAR EXTENSION
SECOND SCHEDULE	88, Swallow Lane, Golcar, Huddersfield, HD7 4NB

KIRKLEES COUNCIL HEREBY REFUSES TO CERTIFY THAT ON 14-MAR-2022 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 single storey rear extension does not benefit from a general planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) due to permitted development rights being removed, within the red line boundary on plan ref: 01 Rev C, for development pursuant to Classes A-E of Part 1 by condition 9 imposed on planning permission granted ref: 2020/92706.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan and existing and proposed site layout plans	21183 – 01		14th March 2022
Proposed elevations and floor plans	21183 – 02		14th March 2022

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. The Case Officer did not enter into negotiations or request amended plans for the proposed development as the property does not benefit from permitted development rights and therefore the principle of development was not considered acceptable.

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 the Planning Inspectorate website.
Further information on the Planning Appeal process can be found online at the Planning Inspectorates website.

(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: **04-May-2022**

Signed: 

David Shepherd
Strategic Director Growth and Regeneration

Address to which all communications should be sent:-

Kirklees Council
Planning and Development Service
PO Box 1720
Huddersfield
HD1 9EL