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

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Application Number: 2022/CL/90925/E

To: Philip Harvey,
MayOne Architecture
Entrance 3
Harrogate Convention Centre
Kings Road
Harrogate
HG1 5LA

For: J Field

FIRST SCHEDULE CERTIFICATE OF LAWFULNESS FOR PROPOSED ERECTION OF A RAISED PLATFORM

SECOND SCHEDULE CERTIFICATE OF LAWFULNESS FOR PROPOSED ERECTION OF ROOF ENLARGEMENT AND REMOVAL OF EXTERNAL DOOR

THIRD SCHEDULE 82, WAKEFIELD ROAD, CLAYTON WEST, HUDDERSFIELD, HD8 9NN

KIRKLEES COUNCIL HEREBY CERTIFIES THAT ON 17 MARCH 2022 THE OPERATIONS DESCRIBED IN THE SECOND SCHEDULE THERETO IN RESPECT OF THE LAND SPECIFIED IN THE THIRD 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 alteration to remove the external door on the north east elevation of 82 Wakefield Road benefits from a general planning permission by virtue of Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to respective conditions as set out in paragraph A.3 of the same Order.

The proposed rear dormer at 82 Wakefield Road benefits from a general planning permission by virtue of Article 3(1) and Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)subject to respective conditions as set out in paragraph B.2 of the same Order.

KIRKLEES COUNCIL HEREBY REFUSES TO CERTIFY THAT ON 17 MARCH 2022 THE OPERATIONS DESCRIBED IN THE FIRST SCHEDULE THERETO IN RESPECT OF THE LAND SPECIFIED IN THE THIRD 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 raised decking to the rear of 82 Wakefield Road exceeds the limitations set out in paragraph (k) of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 by reason of the height of the raised platform exceeding 0.3 metres.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Application form	-	922716	16/03/2022
Proposed plans	MOA 2119 10 03-REV D A1	922721	16/03/2022
Proposed plans	MOA 2119 10 01-A1	922720	16/03/2022
Proposed plans	MOA 2119 10 02-REV D A1	922719	16/03/2022
Location plan	MOA 2119 00 01	922717	16/03/2022
Design & access statement	MOA 2119	922718	16/03/2022

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 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 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-Oct-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