



**KIRKLEES COUNCIL**

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 191  
(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: 2022/CL/91422/W**

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To: Hamish Gledhill,  
Acumen Designers & Architects Ltd  
Headrow House  
Old Leeds Road  
Huddersfield  
HD1 1SG

For: O Day

FIRST SCHEDULE      CERTIFICATE OF LAWFULNESS TO CONFIRM VALID  
COMMENCEMENT OF DEVELOPMENT APPROVED UNDER  
2017/92564 FOR DEMOLITION OF EXISTING OUTBUILDINGS  
AND ERECTION OF DETACHED DWELLING WITHIN 3  
YEARS OF THE PLANNING APPROVAL

SECOND SCHEDULE    THE BARN, 17, JAGGER LANE, KIRKHEATON,  
HUDDERSFIELD, HD5 0QZ

**KIRKLEES COUNCIL HEREBY CERTIFY THAT ON 13-MAY-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 PLANS ATTACHED TO THIS CERTIFICATE WERE LAWFUL WITHIN THE MEANING OF SECTION 191 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED), FOR THE FOLLOWING REASONS:**

On the balance of probabilities it is considered the ground works carried out on or before 14th December 2020 to implement planning permission ref. 2017/92564 amounted to a lawful commencement of development within the 3-year time limit specified in condition (1).

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			27-Apr-2022
Location Plan	UK Planning Maps		26-Apr-2022
Covering letter			26-Apr-2022
Site photographs			27-Apr-2022
Emails from Kirklees Building Control dated 08 and 20-Apr-2022			26-Apr-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](http://www.gov.uk/government/organisations/the-coal-authority)

**If this application has been publicised by notice(s) in the vicinity of the site, please would you now remove the notice(s) dispose of it/them responsibly to avoid harm to the appearance of the local area.**

#### **NOTES:**

- (1) This certificate is issued solely for the purpose of section 191 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 191 (6) 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 for the Environment 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: **07-Jul-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**