



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/91522/W

To: Cathy Dakin,
WBW Surveyors Ltd
Skipton Auction Mart
Gargrave Road
Skipton
BD23 1UD

For: Mr S Griffiths

FIRST SCHEDULE CERTIFICATE OF LAWFULNESS FOR PROPOSED GARDEN
BUILDING

SECOND SCHEDULE 130, Kaye Lane, Almondbury, Huddersfield, HD5 8XU

KIRKLEES COUNCIL HEREBY REFUSES TO CERTIFY THAT ON 04-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 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 detached garden building as shown on the submitted plans listed in this decision notice is not considered to benefit from a general planning permission under Schedule 2, Part 1, Class E (buildings etc. incidental to the enjoyment of a dwellinghouse) of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended). The applicant has not demonstrated that the substantial size of the building is reasonable, or the proposed uses are, required for a purpose which can be incidental to the enjoyment of the dwellinghouse at 130 Kaye Lane.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Proposed elevations	TS343-1		4th May 2022
Proposed floor and roof plan	TS343-2		4th May 2022
Proposed site plan	TS343-3		4th May 2022
Site location plan	TS343-4		4th May 2022
Supporting Statement	WBW Surveyors Ltd		4th May 2022
Email from agent	30 June 2022 (15:55)		30 June 2022
Email from agent	27 June 2022 (16:16)		27 June 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. Further information was requested by the LPA following a site visit to the property. The information requested was the proposed use of the building due to the footprint of the proposed building having a footprint that related to the size of the host property. Email correspondence has taken place relating to this matter.

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](http://the-Planning-Inspectorate-website). Further information on the Planning Appeal process can be found online at [the Planning Inspectorates website](http://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: 10-Aug-2022

Signed:

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end, likely representing the name David Shepherd.

**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**