



**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 (GENERAL DEVELOPMENT PROCEDURE)  
ORDER 2015: ARTICLE 39**

**CERTIFICATE OF LAWFUL USE OR DEVELOPMENT**

---

**Application Number: 2022/CL/91668/W**

---

**To:** Janine Holloway,  
Vegan Cookies and Bakes  
31, Midway  
South Crosland  
Huddersfield  
HD4 7DA

**For:** Vegan Cookies and Bakes

**FIRST SCHEDULE** CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OF  
DWELLING FOR VEGAN COOKIES AND BAKES BUSINESS  
(WITHIN A CONSERVATION AREA)

**SECOND SCHEDULE** 31, MIDWAY, SOUTH CROSLAND, HUDDERSFIELD, HD4  
7DA

**KIRKLEES COUNCIL HEREBY CERTIFY THAT ON 17-MAY-2022 THE USE  
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 WOULD BE LAWFUL WITHIN THE  
MEANING OF SECTION 192 OF THE TOWN AND COUNTRY PLANNING ACT 1990  
(AS AMENDED), FOR THE FOLLOWING REASONS:**

The use of the dwellinghouse for the cooking and delivery of vegan cookies and bakes would not constitute a material change of use of the building as defined by section 55 of the Town and Country Planning Act 1990.

The proposed use of premises is considered ancillary to the enjoyment of the dwellinghouse as such and based upon the applicant's description as the preparation and cooking of up to 2 batches of cakes, cookies, cupcakes and brownies made on a daily basis between Monday to Friday 4 hours a week, using existing domestic kitchen, and raw materials stored within the existing house and a majority of products sold online with deliveries by parcel services or locally by the applicant. The use consists of no more than one delivery of goods to the property per fortnight and no more than 2 dispatches by the applicant from the dwellinghouse per day. No customers are proposed to collect from the premises.

Plans and specifications schedule:-

| <b>Plan Type</b>       | <b>Reference</b>  | <b>Version</b> | <b>Date Received</b> |
|------------------------|---|----------------|----------------------|
| Application form       | -   | -              | 16/05/2022           |
| Location plan          | -   | -              | 20/05/2022           |
| Supporting information | Additional information received on Environmental Health | -              | 30/05/2022           |
| Supporting information | Email from applicant confirming no collection           | -              | 22/07/2022           |

**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) This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990 (as amended).
- (2) It certifies that the use 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 use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is 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 192 (4) 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 use), 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 Inspectorates website](#). Further information on the Planning Appeal process can be found online at [the Planning Inspectorates website](#)

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:** 22-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**