



Application Number	
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KIRKLEES COUNCIL VALIDATION CHECKLIST	SUPPLY 1 COPY ONLY

Planning - PO Box 1720, Huddersfield, HD1 9EL
E-mail: planning.portal@kirklees.gov.uk Tel: 01484 414746

Application for a Lawful Development Certificate for a Proposed Use or Development

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x) Northing (y)

Description

Applicant Details

Name/Company

Title

Mr

First name

Mohammed

Surname

Sarfraz

Company Name

Address

Address line 1

40 Thomas Street

Address line 2

Thornton Lodge

Address line 3

Town/City

Huddersfield

County

West Yorkshire

Country

United Kingdom

Postcode

HD1 3JR

Are you an agent acting on behalf of the applicant?

☐ Yes

☒ No

Contact Details

Primary number

***** REDACTED *****

Secondary number

***** REDACTED *****

Fax number

Email address

***** REDACTED *****

Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

- ☐ Yes
☒ No

Does the proposal consist of, or include, a change of use of the land or building(s)?

- ☒ Yes
☐ No

If Yes, please give a full description of the scale and nature of the proposed use, including the processes to be carried out, any machinery to be installed and the hours the proposed use will be carried out

Application for Lawful Development Certificate re: use of a C3 house to a C2 residential home for no more than 3 young people. We will have a manager, 2 support carers, working office hours and 2 carers working overnight on a rota basis at this property. We want to be Ofsted registered and Ofsted want to see a certificate of lawfulness. We will have 2 to 3 staff members on site 24 hours a day, 7 days per week. We want to use the house to create a loving and nurturing environment for 3 children. We will not be undertaking any internal or external building work. Combined we have over 50 years of experience of working as qualified Social Workers, we have the skills and experience to provide a safe and nurturing home environment for no more than 3 young people. Once we have the planning approval from the local authority, we will apply for Ofsted registration.

If Yes, please fully describe the existing or the last known use, with the date when this use ceased

The building is currently a residential semi-detached property in the local community. It is based on Lockwood Road, which is close access to local school and colleges which can be access by our young people. We are a short walking distance to the town centre. We are located in a diverse community which embraces all cultures and identities. The property was being used as a family home. The house is currently empty as the current owners moved to a larger property to live with their son. The owners did live in the property for over 2 decades.

Has the proposal been started?

- ☐ Yes
☒ No

Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

It is accepted that the proposed use falls within Use Class C2 and hence the change of use from C3 is not an automatic permitted change. However, it is nevertheless argued that there is little material difference between the current and proposed use of the property. I want to be Ofsted registered and Ofsted want to see a certificate of lawfulness. The house will be used as a residential children home for up to no more than 3 children, with 2 staff members on site 24 hours a day, 7 days per week. We want to use the house to create a loving and nurturing environment for 3 children. We will not be undertaking any internal or external building work. Combined we have of 50 years of experience of working as qualified Social Workers who are making this application. I have provided examples of similar applications by other applicants which have been approved by the local authority. These can be seen in Appendix 1 and 2 documents which have been uploaded with this application.

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

1 Floor Plans -Existing and Proposed
2 Location Plan
3 Appendix 1 document- Example: Decision to grant lawful development certificate on similar proposal by another applicant which the local authority approved on 16/03/22.
4 Appendix 2 document- Example: Decision to grant lawful development certificate on similar proposal by another applicant which the local authority approved on 12/10/20.

Select the use class that relates to the existing or last use.

C3 - Dwellinghouses

Please note that following changes to Use Classes on 1 September 2020: The list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. See help for more details on Use Classes.

Information about the proposed use(s)

Select the use class that relates to the proposed use.

C2 - Residential institutions

Please note that following changes to Use Classes on 1 September 2020: The list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. See help for more details on Use Classes.

Is the proposed operation or use

☒ Permanent

☐ Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

We want to be Ofsted registered and Ofsted want to see a certificate of lawfulness. The house will be used as a residential children home for up to no more than 3 children, with 2/3 staff members on site 24 hours a day, 7 days per week. We want to use the house to create a loving and nurturing environment for 3 children. We will not be undertaking any internal or external building work. This is a vital service that enables local authorities to fulfil their legal obligations to provide a safe environment for each young person that needs this level of guidance and support which cannot be provided within his or her own family home. We are seeking to obtain a certificate for lawful use of this property. The house will continue to be a residential property for young people who will live there, having their own bedroom and residing in the home as a permanent resident. I do not believe there is any material change of use. It is maintained that the nature of the use is not materially different from the current use a normal family home. Comings and goings would be no greater than a typical house, hence there would be no undue disturbance to any neighbours. Most likely to be less as the current property is semi-detached, and the property next door is also owned by the same owners who have given me full permission to apply for C2 approval. On the balance of probabilities, the occupation of the building at 164 Lockwood Road, Huddersfield, HD1 3QR by up to a maximum of three children with up to three carers present (of which two remain overnight on a rota basis) would not constitute a material change in the use of this building and as such is not considered to amount to development as defined within Section 55 of the Town and Country Planning Act 1990 (as amended) and would therefore be lawful pursuant to section 192 of the Act. The local authority is therefore respectfully requested to support the application to allow this much needed facility to be established.

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ☒ Yes
☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ☐ The agent
☒ The applicant
☐ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ☐ Yes
☒ No

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff**
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ☐ Yes
☒ No

Interest in the Land

Please state the applicant's interest in the land

- ☐ Owner
☐ Lessee
☐ Occupier
☒ Other

If Other, please give the names and addresses of anyone who has an interest in the land and state the nature of their interest (if known)

***** REDACTED *****

Have they been informed of the application?

- ☒ Yes
☐ No

Declaration

I / We hereby apply for Lawful development: Proposed use as described in this form and accompanying plans/drawings and additional information. I / We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine options of the persons giving them. I / We also accept that: Once submitted, this information will be transmitted to the Local Planning Authority and, once validated by them, be made available as part of a public register and on the authority's website; our system will automatically generate and send you emails in regard to the submission of this application.

☒ I / We agree to the outlined declaration

Signed

Zain Sarfraz

Date

15/11/2022