



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: 2023/CL/90367/W

To: B Ali
33, Foster Avenue
Crosland Moor
Huddersfield
HD4 5LN

For: B Ali

FIRST SCHEDULE CERTIFICATE OF LAWFULNESS FOR PROPOSED CHANGE
OF USE OF DWELLING (C3) TO CLASS C2

SECOND SCHEDULE 33, FOSTER AVENUE, CROSLAND MOOR,
HUDDERSFIELD, HD4 5LN

**KIRKLEES COUNCIL HEREBY CERTIFY THAT ON 13-FEB-2023 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:**

On the balance of probabilities the occupation of the building at 33, Foster Avenue, Crosland Moor, Huddersfield, HD4 5LN by up to two children with up to four carers but only two carers occupying the building at any one time plus a manager working office hours would not constitute a material change in the use of the 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).

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	TQRQM23033214808037		13th February 2023
Existing and proposed site plan and existing street scene elevation			13th February 2023
Existing floor plans			13th February 2023
Verification of evidence			13th February 2023
Supporting Information	233 Leeds Road – Decision Notice		13th February 2023
Addition information	Email dated		15th February 2023

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 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.

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](https://www.planninginspectorates.gov.uk/). Further information on the Planning Appeal process can be found online at [the Planning Inspectorates website](https://www.planninginspectorates.gov.uk/)

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-Apr-2023

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