



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: 2023/CL/91028/W

To: Peter Harrop,
Holme Town Cafe
36, Victoria Street
Holmfirth
HD9 7DE

For: Holme Town Cafe

FIRST SCHEDULE CERTIFICATE OF LAWFULNESS FOR PROPOSED
ERECTION OF FENCE AND DECKING AREA (WITHIN A
CONSERVATION AREA)

SECOND SCHEDULE 36, Victoria Street, Holmfirth, HD9 7DE

**KIRKLEES COUNCIL HEREBY REFUSES TO CERTIFY THAT ON 06-APR-2023 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:**

It is considered the erection of the fence and decked area as shown on plans listed below do not benefit from any general planning permission under the provisions of Class A, Part 2 & Class E, Part 7 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). In the absence of any other planning permission for the erection of a fence and decked area the development of the land is not lawful for the purposes of planning control.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	3 April 2023
Proposed Plan	-	-	3 April 2023
Application Form	-	-	3 April 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 preapplication advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. Notwithstanding that the applicant was advised during the course of the application of potential amendments to the scheme, in the absence of any amendments the application was determined on the submitted information.

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](#). Further information on the Planning Appeal process can be found online at [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: 22-Nov-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**