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| Application Number | |
| Date Logged | |
| Receipt No | Fee Received |
| Card | Other |
| 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

Peter

Surname

Harrop

Company Name

Holme Town Cafe

Address

Address line 1

36 Victoria Street

Address line 2

(Ground Floor)

Address line 3

Town/City

Holmfirth

County

36 Victoria Street, (Ground Floor)

Country

United Kingdom

Postcode

HD9 7DE

Are you an agent acting on behalf of the applicant?

Yes

No

Contact Details

Primary number

***** REDACTED *****

Secondary number

Fax number

Email address

Description of Proposal

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

- Yes
 No

If Yes, please give detailed description of all such operations (includes the need to describe any proposal to alter or create a new access, layout any new street, construct any associated hard-standings, means of enclosure or means of draining the land/buildings) and indicate on your plans (in the case of a proposed building the plan should indicate the precise siting and exact dimensions)

There is a patio area adjacent to Victoria Street that is privately owned and the ground is part of my lease. Currently, it is open free-flow to the public and has steps leading down from the patio area on to Victoria Street. It is my proposal that I wish to section off this area so that it is private to diners using my restaurant. The works will include: installation of a picket fence by fissure fixing posts along the bottom step along Victoria street towards the lights, then branching off from the diagonal cobbles that mark out the perimeter of the privately owned land and up towards the pillar on the very corner of the building. Decking will be installed to fill in the gap of the steps between and level with the patio area and the fence. As stated, the fence will be a picket wooden fence. The fence will be 1 metre high relative to the ground of the patio area, and subsequently, 1 metre high along its length all the way around to the pillar on the corner of the building. I wish the fence to be low enough that potential trade can clearly see what the space is used for, and that it is private to guests of the restaurant.

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

- Yes
 No

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

I believe this is a lawful use in line with the current usage category (Category E) of the commercial let property. It is simply extending the dining capacity to the outdoor area, which is part of my lease, to help increase the currently struggling revenue of the restaurant, and capitalise on, and offer, outdoor dining space to the town of Holmfirth. Currently, the Old Bridge Hotel is monopolising this provision, and they are extremely busy as a result of them being one of the only places able to offer al fresco drinking and dining.

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

As advised by the planning department at Kirklees, I am seeking to obtain Lawful Development Certificates for proposed operational development, therefore haven't began planning permission application as I would like legally binding documentation to see whether-or-not planning permission is necessary for my proposal to carry out works at the property.

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

E - Commercial, Business and Service

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.

E - Commercial, Business and Service

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?

I believe it should be granted based on the information I have provided. The usage category of the commercial let will not alter, I wish to simply expand my current dining capacity to incorporate the outside are of my lease, which currently I'm paying rent on but am not utilising in a way that is profitable. The construction of an outdoor dining area, clearly visible to the general public and passing motorist, will significantly increase my revenue, which I am desperate to do as 5 cafe's within the village has ceased trading since January, two of which are directly behind my lease. Business is extremely bleak at the moment and anything I can do that will increase revenue will not only assist in honouring the overheads, but also benefit my staff, who are on reduced hours due to the uncertainty of the industry. With the warmer months approaching I am very keen to capitalise on this trade potential.

I have the consent of the landlord. And I also have the consent of Holme Valley Parish Council. However, I need to prove legally that I am able to proceed to my landlord before I can carry out any works. The capital is there and ready to begin construction, it will be a matter of waiting for a decision as to whether-or-not a planning application will e required based on my proposal.

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

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

First Name

Surname

***** REDACTED *****

Reference

No name of the dealing agent on email corresponden

Date (must be pre-application submission)

28/03/2023

Details of the pre-application advice received

Dear Mr Harrop,

Further to your enquiry regarding the erection of a fence to delineate an outside seating area incidental to the use of 36 Victoria Street as a Class E café.

As discussed, the erection of a fence of no more than 1m in height, measured from the ground level adjacent to the point the fence is erected, might be permitted development under Schedule 2, Part 2 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This is in respect of land within your landlord's ownership and, as you explained on the telephone, is only for that area forward of the building facing Victoria Street (south west of the building). It does not relate to any land on the Huddersfield Road frontage to the side of the building.

All responses to requests for information are informal opinions given in good faith based on the information presented to Officers and are not binding on the Council in the future. If you require a definitive opinion whether planning permission is or is not required which is legally binding you will need to formally apply for a certificate of lawful proposed or existing development. You can find out more about Lawful Development Certificates – in your case this would be for proposed operational development – at the Planning Portal.

Any views or opinions expressed are in good faith, without prejudice to the formal consideration of any planning application, which will be subject to public consultation (which will include the relevant Town or Parish Council) and ultimately be decided by the Council.

It should be noted that subsequent alterations to legislation or local, regional and national policies might affect the advice given.

With regards

Development Management
Planning and Development Service
Growth & Regeneration
PO Box 1720, Huddersfield, HD1 9EL

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 Lessee or Occupier, please give details of the owner and state whether they have been informed in writing of this application

***** REDACTED *****

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

Peter Harrop

Date

03/04/2023