



**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**

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**Application Number: 2023/CL/91231/W**

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**To:** Stuart Beaumont,  
One 17 Architects & Interior Designers  
The Dyehouse  
35 Armitage Road  
Armitage Bridge  
Huddersfield  
HD4 7PD

**For:** PCC of St Peter's Parish Church

**FIRST SCHEDULE** CERTIFICATE OF LAWFULNESS FOR PROPOSED WORKS TO CONTINUE THE ERECTION OF PORCH ENTRANCE, FIRE ESCAPE ENCLOSURE, PLATFORM LIFT AND FORMATION OF RAMP AND STEP CONNECTION TO LORD STREET WITH CREATION OF AREA FOR MULTI-FUNCTIONAL EVENTS AND INCIDENTAL PARKING ASSOCIATED WITH THE CHURCH APPROVED UNDER PREVIOUS PERMISSION 2019/93789 GRANTED ON 21ST OCTOBER 2020. (LISTED BUILDING WITHIN A CONSERVATION AREA)

**SECOND SCHEDULE** ST PETERS CHURCH, BYRAM STREET, HUDDERSFIELD, HD1 1BU

**KIRKLEES COUNCIL HEREBY CERTIFY THAT ON 25-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 PLANS SUBMITTED WITH THIS APPLICATION 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 applicant has demonstrated that development approved via application 2019/93789 was materially commenced within the application's time limit, in accordance with Section 56 of the Town and Country Planning Act 1990. The erection of porch entrance, fire escape enclosure, platform lift and formation of ramp and step connection to Lord Street with creation of area for multi-functional events and incidental parking associated with the church are therefore considered to benefit from an extant planning permission ref 2023/91231, subject to the requirements of condition 3 which are yet to be discharged.

This decision is based on the following plan(s):-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Email from Agent dated 23rd May 2023, with attachments			23rd May 2023
Application Form			25th April 2023
Archaeology Watching Brief (kitchen)	OSA21WB12 July 2021		25th April 2023
Archaeology Watching Brief (cellar)	OSA22WB26 July 2022		25th April 2023
Archaeology Watching Brief Record (cellar)	OSA22WB26 Sept 22		22nd May 2023
Faculty Approval	19-45C dated 20.5.19		25th April 2023
Location Plan	3060 (0-) 01B		25th April 2023
Site Investigation works plan	3060 (0-) 118		25th April 2023
Existing Lower ground floor plan	3404 (0-) 01		25th April 2023
Lower ground floor kitchen plan – as installed	3404 (0-) 15		25th April 2023
Lower ground floor plan with hand written annotations of works	4875_01 - plan ref 3060(0-) 10		23rd May 2023
Photograph montage			26th April 2023

## **Development within a Coal Mining Area**

The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://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) 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 operations 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 operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation(s) which are 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 operations), 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 <https://www.gov.uk/planning-inspectorate>. Further information on the Planning Appeal process can be found online at the Planning Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.

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:** 05-Jun-2023

**Signed:**

A handwritten signature in black ink, consisting of several loops and a final flourish, representing David Shepherd.

**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**