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/91326/E

To: Mark Henderson,
Brewster Bye Architects
5, North Hill Road
Headingley
Leeds
LS6 2EN

For: Yorkshire Housing

FIRST SCHEDULE CERTIFICATE OF LAWFULNESS FOR PROPOSED REPLACEMENT WINDOWS AND CLADDING

SECOND SCHEDULE 100-154, (28 PROPERTIES), ALLENCROFT, BIRKENSHAW, BD11 2AD

KIRKLEES COUNCIL HEREBY CERTIFY THAT ON 04-MAY-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:

The proposal for replacement windows and render at 100-154 Allen Croft is not considered to be development by virtue of Section 55(2)(a)(ii) of the Town and Country Planning Act 1990 as proposed works would not materially alter the external appearance of the buildings. Therefore, the proposed works are not considered to constitute development requiring planning permission.

Plans and Specifications Schedule:

Plan Type	Reference	Version	Date Received
Location Plan	15/175-BBA-03-XX-DR-A-0101	P01	10/05/2023
Block 1 Existing Elevations	15/175-BBA-03-XX-DR-A-0102	P01	10/05/2023
Block 1 Existing Floor Plans	15/175-BBA-03-XX-DR-A-0103	P01	10/05/2023
Block 1 Proposed Floor Plans	15/175-BBA-03-XX-DR-A-0104	P01	10/05/2023
Block 1 Proposed Elevations	15/175-BBA-03-XX-DR-A-0105	P02	06/07/2023
Block 2 Existing Elevations	15/175-BBA-03-XX-DR-A-0106	P01	10/05/2023
Block 2 Existing Floor Plans	15/175-BBA-03-XX-DR-A-0107	P01	10/05/2023
Block 2 Proposed Floor Plans	15/175-BBA-03-XX-DR-A-0108	P01	10/05/2023
Block 2 Proposed Elevations	15/175-BBA-03-XX-DR-A-0109	P02	06/07/2023
Block 3 Existing Elevations	15/175-BBA-03-XX-DR-A-0110	P01	10/05/2023
Block 3 Existing Floor Plans	15/175-BBA-03-XX-DR-A-0111	P01	10/05/2023
Block 3 Proposed Floor Plans	15/175-BBA-03-XX-DR-A-0112	P01	10/05/2023
Block 3 Proposed Elevations	15/175-BBA-03-XX-DR-A-0113	P02	20/07/2023
Block 4 Existing Front & Side Elevations	15/175-BBA-03-XX-DR-A-0114	P01	10/05/2023
Block 4 Existing Rear & Side Elevations	15/175-BBA-03-XX-DR-A-0115	P01	10/05/2023
Block 4 Existing Ground Floor Plan	15/175-BBA-03-XX-DR-A-0116	P01	10/05/2023

Plan Type	Reference	Version	Date Received
Block 4 Existing First Floor Plan	15/175-BBA-03-XX-DR-A-0117	P01	10/05/2023
Block 4 Proposed Ground Floor Plan	15/175-BBA-03-XX-DR-A-0118	P01	10/05/2023
Block 4 Proposed First Floor Plan	15/175-BBA-03-XX-DR-A-0119	P01	10/05/2023
Block 4 Proposed Front & Side Elevations	15/175-BBA-03-XX-DR-A-0120	P02	06/07/2023
Block 4 Proposed Rear & Side Elevations	15/175-BBA-03-XX-DR-A-0121	P01	10/05/2023

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

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

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 so that we can work on continually improving our customer service. Thank you.

Dated: 31-Jul-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