



KIRKLEES COUNCIL

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 191
(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/91407/W

To: Alison Dumville,
Robert Halstead Chartered Surveyors
Office G of H
Bridge Mills
Huddersfield Road
Holmfirth HD9 3TW

For: J DUNS

FIRST SCHEDULE CERTIFICATE OF LAWFULNESS FOR EXISTING MATERIAL
CHANGE IN THE USE OF THE BUILDING FROM
AGRICULTURAL TO GENERAL (NON-AGRICULTURAL)
STORAGE

SECOND SCHEDULE Land adj. to 9, Top O' Th' Bank, Thurstonland, Huddersfield,
HD4 6XZ

**KIRKLEES COUNCIL HEREBY REFUSES TO CERTIFY THAT ON 12-MAY-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
SUBMITTED PLANS WAS LAWFUL WITHIN THE MEANING OF SECTION 191 OF
THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED), FOR THE
FOLLOWING REASONS:**

The information submitted is not considered to demonstrate on the balance of probabilities that a material change of use from agricultural to storage occurred within the building enclosed in red on the submitted Location Plan which has then continued in breach of planning control for a period of ten years prior to the date of this application.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form	-	-	15th May 2023
Block Plan	-	-	15th May 2023
Evidence Statement Supporting Information	-	-	17th May 2023
Appendix 1 Witness Statement Supporting Information	-	-	17th May 2023

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 191 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: **23-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**