Kirklees Council

Planning and Development Service

PO Box 1720

Enquiries to: Katie Chew

Kirklees Direct
Tel: 01484 414746
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Umar Hussain
32, Macaulay Road
Birkby
Huddersfield
HD2 2US

Date: 23-Aug-2023
Our Ref: 2023/91905

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND) ORDER 2015 (as amended), SCHEDULE 2, PART 3, PART MA
NOTIFICATION OF PROPOSED CHANGE OF USE CLASS MA – COMMERCIAL, BUSINESS AND SERVICE USES TO DWELLINGHOUSES
APPLICATION NUMBER: 2023/91905
AT: 2, Common Road, Bay Hall Mills, Birkby, Huddersfield, HD1 5EU

I refer to your submission of details relative to the proposed change of use and any building operations as described below which was received by the Local Planning Authority on 04-Jul-2023.

Prior approval of a proposed change of use of a building from commercial, business and service uses to dwellinghouses

The proposal is not acceptable to the Council, and notice is hereby given that the details submitted have been refused for the following reason(s);

Firstly, the applicant has failed to demonstrate that the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval. Secondly and by reason of the educational use of the part of the building subject to this application the building does not benefit from a lawful use under Class E of the Use Classes Order 1987 (as amended) or any use specified within paragraph MA.1(2) of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). As such the proposed development fails to meet the limitations under paragraphs M.1(a) and M.1(b), Class MA of Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Existing Layout and Elevations	2315/01	-	26th June 2023
Proposed Layout and Elevations	2315/02	A	4th July 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. Amendments were sought in the first instance to amend the site address as it caused some confusion amongst residents within the area. No further amendments were requested as the proposals were deemed to be wholly unacceptable upon submission.

If the applicant is aggrieved by the decision of the Local Planning Authority to refuse details of the proposed development, he/she may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990 within six months of the date of issue of this notice. 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 Inspectorates Website . Further information on the Planning Appeal process can be found online at the Planning Inspectorates website.
The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that approval of details could not have been granted by the Local Planning Authority having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order.

Further correspondence regarding this application should bear the reference on this letter.

Customer Feedback

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.

Yours faithfully

Mathias Franklin

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Head of Planning and Development