



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/92206/W

To: Hamid Dhorat
DK Architects (UK) Ltd
Suite 4
Batley Business Park
Technology Drive
Batley
WF17 6ER

For: C Fosbrook

FIRST SCHEDULE CERTIFICATE OF LAWFULNESS FOR PROPOSED
ERECTION OF GARAGE, ALTERATION OF WINDOW TO
DOOR, REMOVAL OF STORE, PARTIAL REMOVAL OF
WALL/GATE, HARDSURFACE AND DROPPED KERB

SECOND SCHEDULE 23, ROUNDWAY, HONLEY, HOLMFIRTH, HD9 6BU

**KIRKLEES COUNCIL HEREBY CERTIFY THAT ON 28-JUL-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 the erection of a detached outbuilding serving as a garage, alteration to a window to a door, removal of store, partial removal of boundary wall, and formation of hard surface as shown on the plans listed in the table below benefit from a general planning permission granted by virtue of Classes A, E and F of Part 1, Class A and Part 11 Class C of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to respective conditions as state in paragraphs A.3, E.2 and F.2 of the Order.

NOTE: The alteration of the kerb to form a vehicular crossing facility must be carried out in accordance with Section 184 of the Highway Act 1980. Details on how to apply to the Local Highway Authority for such purposes can be found at <https://www.kirklees.gov.uk/beta/transport-roads-and-parking/dropped-kerbs.aspx> .

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

Plan Type	Reference	Version	Date Received
Existing Floor Plans & Elevations	23.2732.01	-	28/07/2023
Proposed Floor Plans & Elevations	23.2732.02	B	28/07/2023
Proposed Floor Plans & Elevations	23.2732.03	A	28/07/2023

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. The application was determined on the submitted information.

Development within a Coal Mining Area

DEVELOPMENT LOW RISK AREA – STANDING ADVICE

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) 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: 02-Oct-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