



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 (GENERAL DEVELOPMENT PROCEDURE)
ORDER 2015: ARTICLE 39**

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Application Number: 2023/CL/92465/E

To: Angus Ellis,
WHpArchitecture
Heymoor Studio
18, Abbey Road
Shepley
Huddersfield
HD8 8EP

For: M Dulieu

FIRST SCHEDULE **CERTIFICATE OF LAWFULNESS TO CONFIRM VALID
COMMENCEMENT OF DEVELOPMENT APPROVED UNDER
2020/91066 FOR ERECTION OF DETACHED DWELLING
WITH FORMATION OF NEW ACCESS WITHIN THE 3 YEAR
TIME LIMIT GIVEN IN CONDITION**

SECOND SCHEDULE **LAND ADJACENT, THE COACH HOUSE, 18A, ABBEY
ROAD, SHEPLEY, HUDDERSFIELD, HD8 8EP**

**KIRKLEES COUNCIL HEREBY CERTIFY THAT ON 24-AUG-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 ATTACHED TO THIS CERTIFICATE WERE LAWFUL WITHIN THE MEANING
OF SECTION 191 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS
AMENDED), FOR THE FOLLOWING REASONS:**

1. On the balance of probabilities, the application demonstrates that a lawful material operation was carried out prior to the expiry of the permission. The aforementioned development is still extant.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Inspection Report from Assent Oculus	-	-	26/04/2023
Photo montage from Paul Butler	-	-	04/06/2024

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) This certificate is issued solely for the purpose of section 191 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 191 (6) 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 for the Environment 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: **11-Jul-2024**

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**