



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 (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2015: ARTICLE 39**

REFUSAL OF CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Application Number: 2023/CL/93061/W

To: Michael Chow,
Jade3 Architecture
Studio 12
Silver Street
Wakefield
WF1 1UY

For: I RASOOL

FIRST SCHEDULE CERTIFICATE OF LAWFULNESS FOR PROPOSED CHANGE
OF USE FROM DWELLING (USE CLASS C3) TO
RESIDENTIAL CARE HOME (USE CLASS C2)

SECOND SCHEDULE 116, Victoria Road, Lockwood, Huddersfield, HD1 3RT

**KIRKLEES COUNCIL HEREBY REFUSES TO CERTIFY THAT ON 19-OCT-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 WOULD BE LAWFUL WITHIN THE MEANING OF SECTION 192
OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED), FOR THE
FOLLOWING REASONS:**

On the balance of probabilities, the occupation of the building at 116, Victoria Road, Lockwood, Huddersfield, HD1 3RT by 3 children with care provided by a staff ratio of 2 workers per 1 child with at least two support workers during the day and at least one waking night worker including regular visits from care professionals within the land edged red on the submitted details amounts to a material change of use from a Dwellinghouse (Class C3) to a Residential Institution (Class C2) as defined by the Use Classes Order 1987 (as amended).

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Location plan	100 – Rev: A		19th October 2023
Existing ground floor plan	101		17th October 2023
Existing first floor and attic plan	102		17th October 2023
Proposed ground floor plan	110		17th October 2023
Proposed first floor and attic plan	111		16th October 2023
Design and Access Report	2023 enquiry 88		19th October 2023
Supporting Statement	Apex Pathway		19th October 2023
Email from Agent			30th October 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.

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 Inspectorates 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 192 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: 14-Dec-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