



**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**

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**Application Number: 2024/CL/90497/W**

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**To:** Dean Swann  
D A Lofthouse Tree Surgery  
The Woodyard  
Shepherds Thorn Lane  
Bradley  
Huddersfield  
HD6 3TU

**For:** DEAN SWANN, D A LOFTHOUSE TREE SURGERY

FIRST SCHEDULE      ERECTION OF DWELLING/STORAGE UNIT AND  
POLYTUNNEL

SECOND SCHEDULE    ERECTION OF POLE BARN AND SITING OF TWO  
CONTAINERS

THIRD SCHEDULE	The Wood Yard, Shepherds Thorn Lane, Bradley, Huddersfield, HD6 3TU
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**KIRKLEES COUNCIL HEREBY REFUSES TO CERTIFY THAT ON 21-FEB-2024 THE OPERATIONS DESCRIBED IN THE FIRST SCHEDULE THERETO IN RESPECT OF THE LAND SPECIFIED IN THE THIRD SCHEDULE HERETO AND EDGED RED ON THE SUBMITTED PLANS ARE LAWFUL WITHIN THE MEANING OF SECTION 191 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED), FOR THE FOLLOWING REASONS:**

The applicant has failed to demonstrate that the erection of the dwellinghouse/storage bays consisting of building operations to convert of the former canteen/office unit and erection of concrete blocks, roof, walling and balcony, sited towards the south of the yard area and the erection of polytunnel benefit from any immunity from enforcement action by reason of section 171B of the Town and Country Planning Act 1990. The works to erect the dwellinghouse are considered to be operational development which were not substantially completed 4 years prior to the date of this application.

**KIRKLEES COUNCIL HEREBY CERTIFIES THAT ON 21-Feb-2024 THE OPERATIONS/USES DESCRIBED IN THE SECOND SCHEDULE THERETO IN RESPECT OF THE LAND SPECIFIED IN THE THIRD SCHEDULE HERETO AND EDGED RED ON THE SUBMITTED PLANS ARE LAWFUL WITHIN THE MEANING OF SECTION 191 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED), FOR THE FOLLOWING REASONS:**

It is considered, on the balance of probability, that the erection of the pole barn towards the north of the yard area was substantially completed in excess of 4 years prior to the date of this application. The siting of the two containers adjacent to the pole barn is also considered to be immune from enforcement action by virtue of section 171B of the Town and Country Planning Act 1990.

Plans and specifications schedule:

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Timeline of events	-	-	21/02/2024
Crime log	-	-	21/02/2024
Location plan	PP-12820163v1	-	21/02/2024
Photo montage	-	-	23/02/2024
Aerial photographs	-	-	Held by the Council

**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 <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>.
- Further information on the Planning Appeal process can be found online at the Planning Inspectorates website [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk).
- (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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

**Dated:** 25-Jun-2024

**Signed:**



David Shepherd  
Strategic Director Growth and Regeneration

**Address to which all communications should be sent:-**

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Planning and Development Service  
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Huddersfield  
HD1 9EL