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) (ENGLAND) ORDER 2015: ARTICLE 39

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Application Number: 2024/CL/91087/E

To: Aimee Thompson Transport Planning
Birdsedge Farmhouse
Birdsedge Farm Mews
Birds Edge
Huddersfield
HD8 8XP

For: Aimee Thompson Transport Planning

FIRST SCHEDULE CERTIFICATE OF LAWFULNESS FOR EXISTING USE OF LAND FOR PURPOSES INCIDENTAL TO THE ENJOYMENT OF THE DWELLINGHOUSE

SECOND SCHEDULE EAST BARN, HEYMOOR FARM, ABBEY ROAD, SHEPLEY, HUDDERSFIELD, HD8 8EP

KIRKLEES COUNCIL HEREBY CERTIFY THAT ON 24-APR-2024 THE USE 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 WAS LAWFUL WITHIN THE MEANING OF SECTION 191 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED), FOR THE FOLLOWING REASONS:

Based on the information submitted by the applicant and the information held by the Local Authority, it has been demonstrated on the balance of probabilities that the land hatched green on plan reference “Boundary Treatment Plan” embedded in the Planning Statement, excluding an area of land 10 metres north of the fence to the south boundary as annotated, has been used for purposes incidental to the enjoyment of the dwellinghouse at East Barn, Abbey Road, Shepley for a period in excess of 10 years prior to the date of this application.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Application form	-	1037993	24/04/2024
Location plan	-	1038300	24/04/2024
Planning statement	-	1038998	24/04/2024

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 use 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 use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is 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 use), 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: **24-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