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: 2024/CL/91146/W

To: Eloise Bray,
Orange Design Studio
59A, Huddersfield Road
Mirfield
WF14 8AA

For: MR & MRS ASQUITH

FIRST SCHEDULE	CERTIFICATE OF LAWFULNESS FOR PROPOSED ERECTION OF OUTBUILDING
SECOND SCHEDULE	Lowfield House, 10, Station Road, Meltham, Holmfirth, HD9 4NL

KIRKLEES COUNCIL HEREBY REFUSES TO CERTIFY THAT ON 25-APR-2024 THE OPERATIONS 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:

1. The single storey outbuilding does not benefit from a general planning permission under Article 3(1) and Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the erection of the building would be contrary to condition 8 of planning permission reference 98/92825.

Plans and specifications schedule:

Plan Type	Reference	Version	Date Received
Lowfield House - Lawful Development – Block Plan- P01	ODS_23-822-(EX)003	A	23/04/2024
Location Plan	ODS_23/822-(EX)002	A	23/04/2024
General Arrangement	02_01F	-	25/04/2024
Supporting statement- Lowfield House Title number	-	-	25/04/2024
Supporting Statement- Environmental Agency Correspondence	-	-	25/04/2024
Supporting Statement- New Summer House	-	-	25/04/2024
Supporting Statement- New Laurel Hedges	-	-	25/04/2024
Supporting Statement- Existing Retaining Wall Collapsed	-	-	25/04/2024
Supporting Statement- Previous Summer House	-	-	25/04/2024
Supporting Statement- Final	24-822_Lowfield House	-	25/04/2024

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) 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 Inspectorate 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: 04-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