



**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**

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**Application Number: 2024/CL/92141/W**

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To: Jwad Ashraf,  
Trend Architecture  
103, Bradford Road  
Fartown  
Huddersfield  
HD1 6DZ

For: N AKHTAR

FIRST SCHEDULE      CERTIFICATE OF LAWFULNESS FOR PROPOSED  
ERECTION OF SINGLE STOREY REAR EXTENSION

SECOND SCHEDULE    26, Thackeray Grove, Crosland Moor, Huddersfield, HD4 5HD

**KIRKLEES COUNCIL HEREBY REFUSES TO CERTIFY THAT ON 30-JUL-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:**

The proposed single-storey rear extension, if begun at the time of the application would not benefit from a general planning permission granted under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as it would fail to comply with condition A.4 of Class A.

Plans and specifications schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Location Plan	1052446	001-Rev 1	30/07/2024
Proposed Site/Block Layout	1052445	003-Rev 1	30/07/2024
Plan General Details	1052452	005-Rev1	30/07/2024
Grouped Plans and Elevations - Proposed	1052454	004-Rev1	30/07/2024
Grouped Plans and Elevations - Existing	1052455	002-Rev1	30/07/2024
Construction Notes	1052451	006-Rev 1	30/07/2024

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 Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application. The Case Officer did not enter into negotiations or request amended plans for the proposed development as it was considered that the application was not considered acceptable in its submitted form.

#### **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](http://www.gov.uk/government/organisations/the-coal-authority)**

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**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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

Dated: **01-Oct-2024**

Signed:



David Shepherd  
Executive Director for Place

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

**Kirklees Council  
Planning and Development Service  
PO Box 1720  
Huddersfield  
HD1 9EL**

