



**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 (GENERAL DEVELOPMENT  
PROCEDURE) ORDER 2015: ARTICLE 39**

**CERTIFICATE OF LAWFUL USE OR DEVELOPMENT**

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**Application Number: 2024/CL/92542/E**

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To: Kathryn Dunk,  
Influence Landscape Planning and Design  
Healy's Wharf  
Huddlestons Wharf  
Millgate  
Newark  
NG24 4UL

For: Isabel Whitworth, Kirklees Council, Regeneration

FIRST SCHEDULE      CERTIFICATE OF LAWFULNESS FOR PROPOSED  
GROUNDWORKS TO FACILITATE PUBLIC SPACE (WITHIN A  
CONSERVATION AREA)

SECOND SCHEDULE    MARKET SQUARE, MARKET PLACE, BATLEY, WF17

**KIRKLEES COUNCIL HEREBY CERTIFY THAT ON 19-SEP-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 PLANS SUBMITTED WITH THIS  
APPLICATION 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 works at Market Square, Batley would benefit from a general planning permission by virtue of Article 3(1) and Class A, Part 12 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Plans and specifications schedule: -

<b>Plan Type</b>	<b>Reference</b>	<b>Date Received</b>
Existing and Proposed Plans and Sections	(03)043	06.09.2024
Market Place Indicative Visual	(03)046	06.09.2024
Location plan	1057536	06.09.2024
Application form	1057537	06.09.2024

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.

#### **Development within a Coal Mining Area**

**The proposed development lies within an area that has been defined by the Coal Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.**

**It is recommended that information outlining how former mining activities may affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), is submitted alongside any subsequent application for Building Regulations approval (if relevant).**

**Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design which takes into account all the relevant safety and environmental risk factors, including mine gas**

and mine-water. Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

[www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries](http://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain a Coal Authority Permit for such activities is trespass, with the potential for court action.

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://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) This certificate is issued solely for the purpose of section 192 of the Town and Country Planning Act 1990 (as amended).
- (2) It certifies that the operations 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 operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation(s) which are 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 192 (4) 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 operations), 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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

Dated: 14-Nov-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**