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: 2025/CL/90011/W

To: Graham Adcock,
Adcock Associates
Elta House
Birmingham Road
Stratford upon Avon
CV37 0AQ

For: Motor Fuel Group Ltd

FIRST SCHEDULE	CERTIFICATE OF LAWFULNESS FOR EXISTING USE AS PETROL FILLING STATION WITH UNRESTRICTED OPENING HOURS
SECOND SCHEDULE	PETROL FILLING STATION, STATION STREET, MELTHAM, HOLMFIRTH, HD9 5QR

KIRKLEES COUNCIL HEREBY CERTIFY THAT ON 03-JAN-2025 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 evidence listed below, and in the absence of any contrary evidence, it is considered on the balance of probability that the 24 hours opening of the petrol station for the sale of fuel and goods at Morrisons retail store at Meltham is not in breach of planning control.

NOTE: Conditions 24 and 25 of planning permission reference 98/91985 restricting hours for the use of the car wash and deliveries remain extant and enforceable: These conditions state:-

"(24) The car wash shall not be used outside the hours of 07.00 to 21.30 on any day."

"(25) Deliveries to the store and/or petrol filling station shall not take place outside the hours of 06.30 to 22.00 Monday to Saturday and 09.30 to 21.30 Sundays and Public Holidays."

This decision is based on the following information(s):-

Plan Type	Reference	Version	Received
Location Plan	PA01		06/01/2025
Site layout plan	PA02		06/01/2025
98/91985 Decision Notice	98/91985		06/01/2025
Application Form	1071907		06/01/2025

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 Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: Mining Remediation Authority - GOV.UK

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: 06-Mar-2025

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