



January 2025

Planning Services  
Kirklees Council  
Civic Centre 3,  
High Street,  
Huddersfield,  
HD1 2TG

Dear Sir / Madam,

**Application for a Certificate of Lawful Use for the permanent retention and unrestricted occupation of Building at Barley Fields Farm, Oxford Road, Gomersal, BD19 4HA**

I hereby submit an application for a Certificate of Lawful Use to regularise the continued use of a building at Barley Fields Farm as an independent dwellinghouse following a temporary permission period.

**Property History**

The property as shown within the submitted Site Location Plan, is in use as a dwellinghouse (Use Class C3). The site was subject to approved application (2009/92587) for the "Siting of Temporary Residence Building". Condition 1 of the approval stated, "The residential use of the temporary dwelling hereby permitted shall be discontinued and the temporary dwelling shall be removed from the land on or before 17 March 2013 and the land shall be restored to its former condition on or before 17 April 2013." – Decision Notice included at Appendix 1.

A subsequent application to remove condition 1 (2013/90625) was submitted to the council and considered by Kirklees Council. The application sought to remove condition 1, however was subsequently reworded by Kirklees Council to state "The residential use of the temporary dwelling hereby permitted shall be discontinued and the temporary dwelling shall be removed from the land on or before 28 October 2014 and the land shall be restored to its former condition on or before 28 November 2014". – Decision Notice included at Appendix 2.

On the basis of the evidence submitted with this application the balance of probability will be that the applicant's version of events are true and the temporary building has **not** been removed from the land on 29<sup>th</sup> October 2014 and has remained in situ for more than 10 years beyond this date and can lawfully remain on site without restrictions. On this basis condition 1 of 2009/92587 (reworded through 2013/90625) is no longer applicable to the property and its removal no longer required.

PPG states ***if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability*** (<https://www.gov.uk/guidance/lawful-development-certificates> - Paragraph: 006 Reference ID: 17c-006-20140306)

**a: 9 York Place, Leeds LS1 2DS t: 0113 243 6116**  
a: 32 Eyre St, Sheffield S1 4QZ t: 0114 354 0220  
w: [www.idplanning.co.uk](http://www.idplanning.co.uk)

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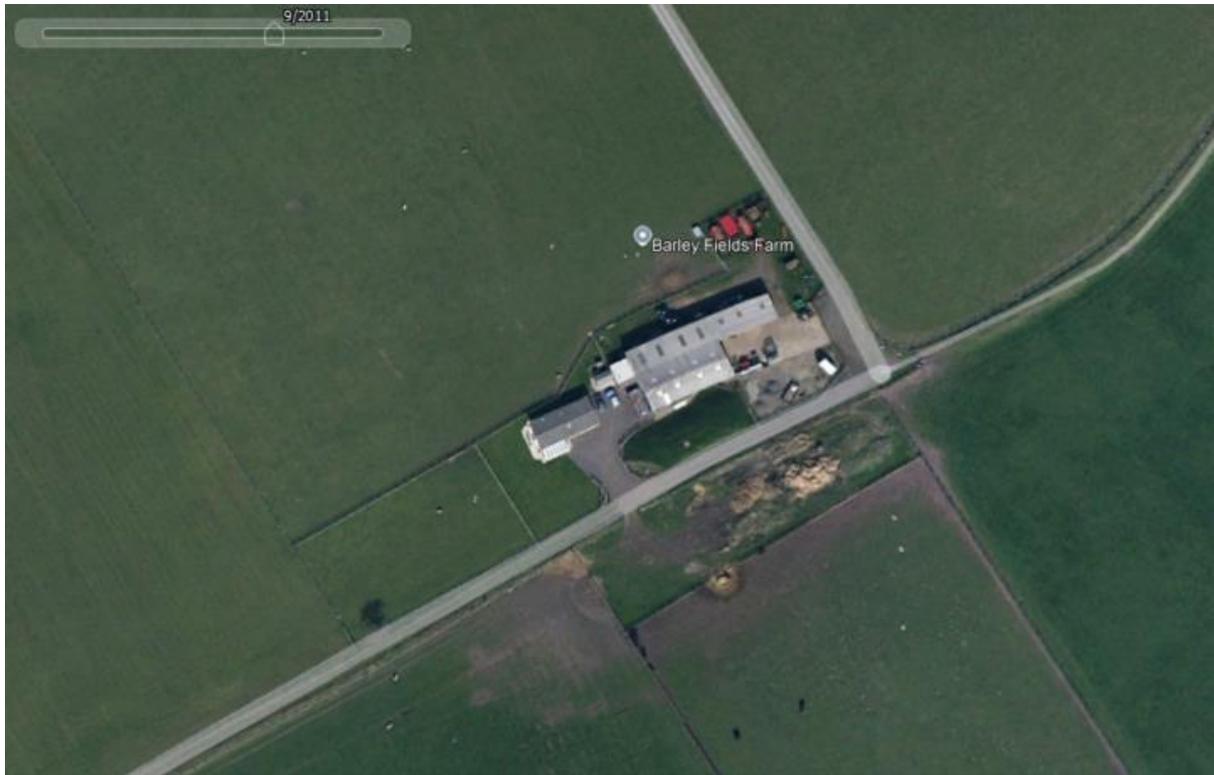
## Evidence

A range of historic satellite imagery is submitted below to detail *on the balance of probability* the property has **NOT** been removed from the site by October 2014 and remains in situ over 10 years beyond the date on the condition.

June 2009 – Prior to submission of 2009/92587 in September 2009.



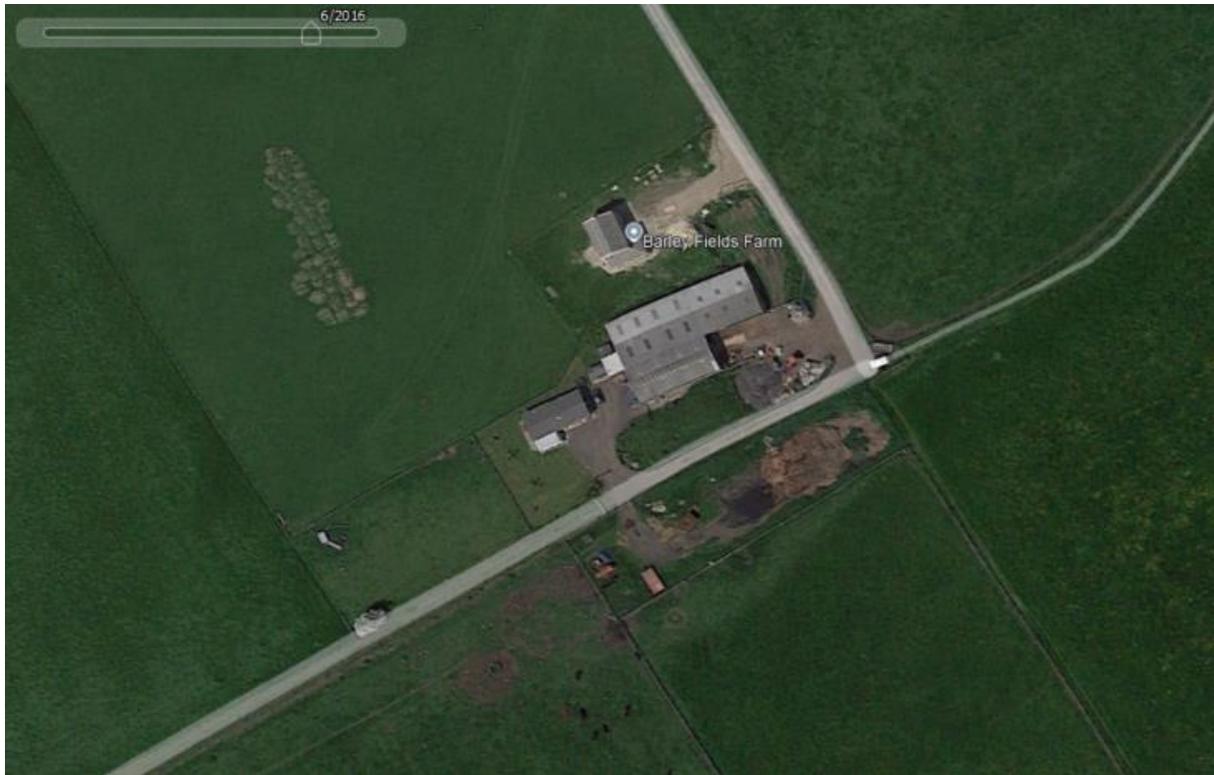
September 2011 – First Image of ‘Temporary’ Dwelling in situ.



April 2015



June 2016



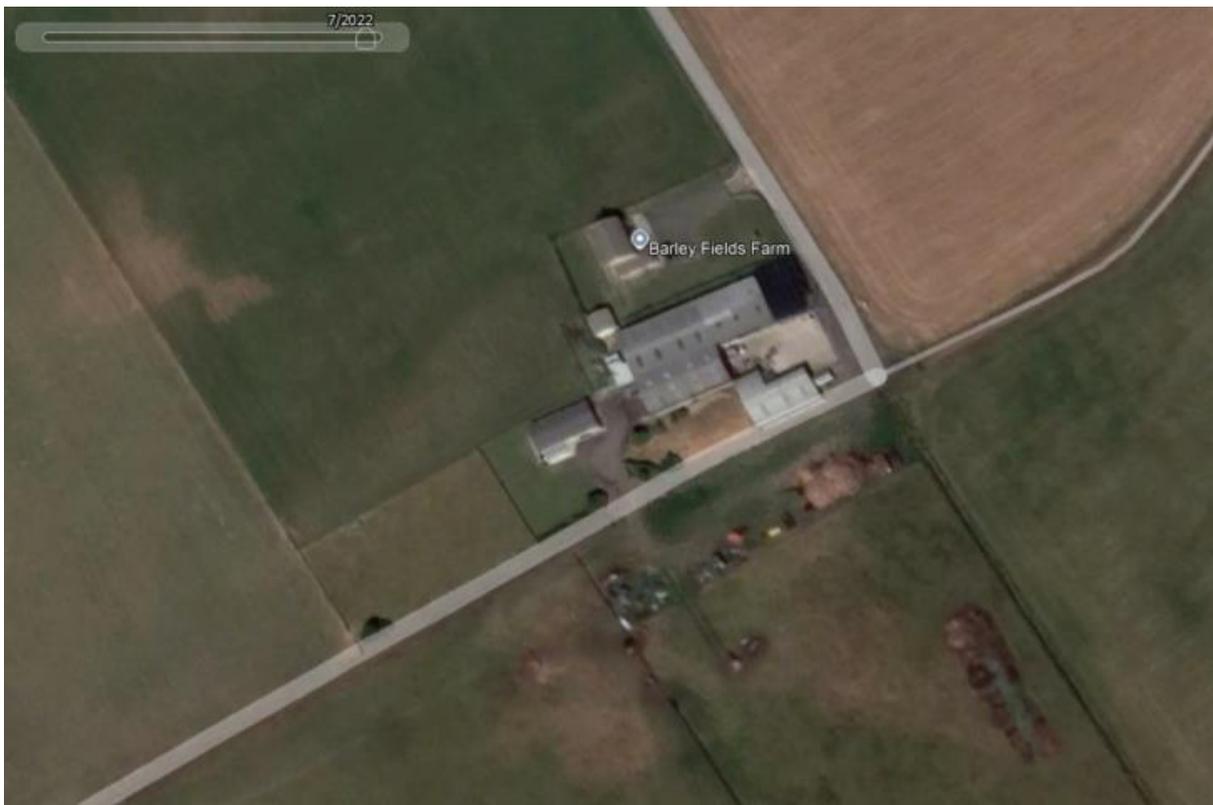
April 2018



April 2020



July 2022



January 2025 – ‘Temporary’ Dwelling still in situ more than 10 years beyond October 2014 date set out in condition 1 of 2009/92587 (reworded through 2013/90625).



As demonstrated in the above submitted evidence, on the balance of probabilities (which is the test that must be met) the ‘temporary’ dwelling at Barley Fields Farm approved under 2009/92587 was **NOT** removed from the land on 28<sup>th</sup> October 2014 and has remained in situ for more than 10 years beyond this date ensuring the lawful use of the dwelling which can remain on site in perpetuity. As such, the evidence submitted is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

Additionally, a number of photographs, taken on 9<sup>th</sup> January 2025 are appended to this letter confirming the building is in situ as close to the date of submission of this Certificate Of Lawfulness Application.

#### Application Submission

This Certificate of Lawful Use Application is accompanied by the following:

- Application Form
- Covering Letter
- Appendix 1 – Decision Notice to 2009/92587
- Appendix 2 – Decision Notice to 2013/90625
- Appendix 3 – Site Photographs from 9.1.25

I trust that you have all the information required to validate the application and would be grateful if you can please confirm safe receipt.

We encourage the appointed Case Officer to actively engage with the agent to discuss the evidence submitted should there be any queries.

Yours faithfully,

*J. Flanagan*

Joe Flanagan MPLAN  
Principal Planner

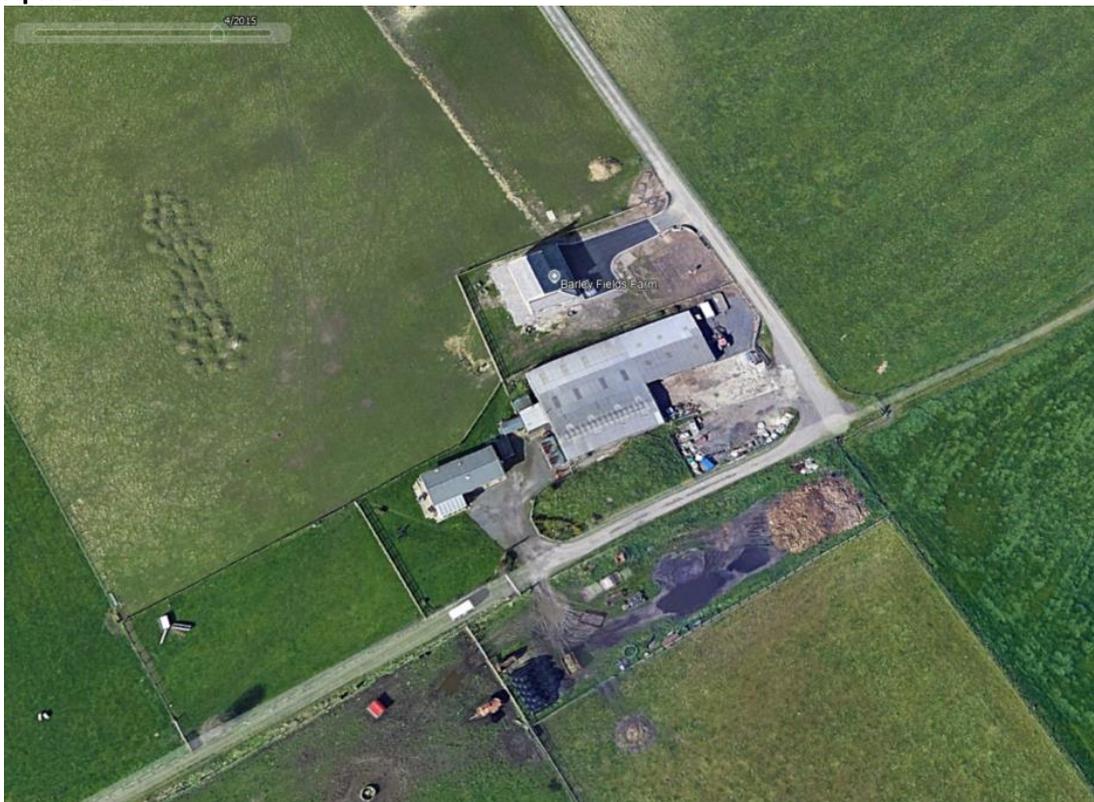


**Appendix 1 – Historic Satellite Imagery**

**September 2011**



**April 2015**



April 2018



April 2020



September 2023

