



**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**

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**Application Number: 2025/CL/90062/E**

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**To:** Joe Flanagan  
ID Planning  
9, York Place  
Leeds  
LS1 2DS

**For:** Mr & Mrs Newman

**FIRST SCHEDULE**      **CERTIFICATE OF LAWFULNESS FOR RETENTION OF  
EXISTING TEMPORARY DWELLING APPROVED UNDER  
2009/92587**

**SECOND SCHEDULE**   **BARLEY FIELDS FARM, OXFORD ROAD, GOMERSAL,  
CLECKHEATON, BD19 4HA**

**KIRKLEES COUNCIL HEREBY CERTIFY THAT ON 16-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:**

1. The applicant has demonstrated, on the balance of probabilities, that the siting of the temporary residence developed pursuant to planning permission references 2009/92587 and 2013/90625 benefit from an immunity from enforcement action by virtue of Section 171B of the Town and Country Planning Act 1990 (as amended).

Plans and specification schedule: -

Plan Type	Reference	Web ID	Date Received
Application form	-	1072429	13/01/2025
Covering letter	-	1072433	13/01/2025
Location plan	-	1072431	13/01/2025
Appendix 1 Decision Notice 2009	-	1072426	13/01/2025
Appendix 2 Decision Notice 2013	-	1072424	13/01/2025
Appendix 3 Site Photographs 9.1.25	-	1072428	13/01/2025

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

### **DEVELOPMENT HIGH RISK AREA - INFORMATIVE NOTE**

The proposed development lies within an area that has been defined by the Mining Remediation 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.

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 Mining Remediation 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 a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

[Building on or within the influencing distance of mine entries - GOV.UK](#)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation 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. Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at: <http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

[What is a permit and how to get one? - GOV.UK \(www.gov.uk\)](#)

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here - <https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>

If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](http://MiningRemediationAuthority.gov.uk)

### **Digital Infrastructure: Fibre To The Property (FTTP)**

Access to affordable and reliable broadband is necessary for Kirklees' residents, businesses, and visitors to take advantage of the growing digital economy and 'digital by default' services. Fibre optic cables direct to a property (FTTP) is the most reliable way of delivering high speed broadband connectivity and allows for gigabit internet speeds. Access to high quality digital infrastructure provides the foundations for, amongst other things:

- Economic prosperity – workforces that are digitally-literate enables business to thrive.
- Digital literacy – digital literacy and skills increase employability and people can exploit the internet for transactional, social, entertainment and learning purposes.
- New services – digital delivery can lower costs and provide innovative public and health services more conveniently.

It is therefore advised that digital infrastructure, including FTTP, and its benefits for the development be considered from the earliest feasible stage. Methods include working with Internet Service Providers to install digital infrastructure alongside other utilities or providing pre-infrastructure allowing for speedier installation at a later date.

**Note:** The provision of fibre infrastructure is often available from certain telecommunications providers free of charge for development over a certain scale, provided that sufficient notice is given. Notice periods are typically at least 12 months prior to first occupation. In some cases, providers may request a contribution from the developer.

**Note:** Where no telecommunications provider has been secured to provide fibre infrastructure by the time of highway construction, it is advised that additional dedicated telecommunications ducting is incorporated alongside other utilities to enable the efficient and cost effective provision of fibre infrastructure in the future.

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

**Dated:** 12-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