Application Number	
Date Logged	
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Card	Other
KIRKLEES COUNCIL VALIDATION CHECKLIST	SUPPLY 1 COPY ONLY

Planning - PO Box 1720, Huddersfield, HD1 9EL
E-mail: planning.portal@kirklees.gov.uk **Tel:** 01484 414746

Application for a Lawful Development Certificate for an Existing Use or Operation or Activity, including those in breach of a planning condition

Town and Country Planning Act 1990 (as amended)

Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

Site Location

Disclaimer: We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number: 142

Suffix:

Property Name:

Address Line 1: Huddersfield Road

Address Line 2:

Address Line 3: Kirklees

Town/city: Holmfirth

Postcode: HD9 3AR

Description of site location must be completed if postcode is not known:

Easting (x): 414345

Northing (y): 408552

Description:

Applicant Details

Name/Company

Title

Mrs

First name

Maxine

Surname

Tatum

Company Name

Address

Address line 1

142 Huddersfield Road

Address line 2

Holmfirth

Address line 3

Town/City

Huddersfield

County

Country

United Kingdom

Postcode

HD93AR

Are you an agent acting on behalf of the applicant?

- ○ Yes
- ◉ No

Contact Details

Primary number

***** REDACTED ******

Secondary number

Fax number

Email address

***** REDACTED ******

Reason for Lawful Development Certificate

Please indicate why you are applying for a lawful development certificate

- (x) An existing use
- ( ) Existing building works
- ( ) An existing use, building work or activity in breach of a condition

Being a use, building works or activity which is still going on at the date of this application.

If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please select the relevant Use Class.

E(f) - Creche, day nursery or day centre - Except where including a residential use

Description of Existing Use, Building Works or Activity

Please fully describe each existing use, building works or activity for which you want the lawful development certificate. Where appropriate, show to which part of the land each use, building works or activity relates

The area, as outlined on the location map in red, shows a 3yards wide lane with a steep gradient.
The original intention of this lane was for residents to use, to access the rear of their properties. It serves 4 dwelling houses. There was a children's playground situated at the back of the houses. This was used by the adjacent school and was accessed via some steps from the main Huddersfield Road. Once the playground stop been used, the new owners started parking their cars on the playground. This activity has continued and grown in intensity, unchecked. The neighbouring building can only access this parking by using the lane. The "car park" is now used by all the businesses that are resident in the neighbouring property. This includes commercial business's, a play group, storage facilities plus a small amount of educational activity. The lane is also the sole pedestrian entrance to access the lift, at the rear of the neighbours property. It is therefore the route that all the mothers with prams take, to access the top floor playgroup. We measured the number of vehicles using the lane, in 2023 using cctv. there were in excess of ninety trips, daily. This will increase as business increases next door.

Grounds for application for a Lawful Development Certificate

Under what grounds is the certificate being sought

- [ ] The use began more than 10 years before the date of this application
- [ ] The use, building works or activity in breach of condition began more than 10 years before the date of this application
- [x] The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- [ ] The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- [ ] The use as a single dwelling house began more than four years before the date of this application
- [ ] Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation?

- ○ Yes
- ◉ No

Please state why a Lawful Development Certificate should be granted

The LPA have recently granted planning permission, for 140 Huddersfield Road to use the old playground as car parking for their premises (2023/93106, 2024/91391, 2024/91458) .I can therefore assume, as the lane is the only access, that adequate checks have been made with regards to safety.

However, there has been no provision put in place to improve safety on the lane within this application. The only action that the LPA have carried out, on the lane, is to remove it from the planning application entirely.

We therefore would like, in writing, confirmation that the LPA deems the lane safe. We expect that you will provide, this with a full explanation as to how it fits within the remit of the councils current planning policies.

We have not had an adequate response to any of our concerns.

These included;

1, There is no safe pedestrian route on the lane,
2, There are bins at the top of the lane that reduce, already poor visibility.
3, There is no limit to the number of vehicles or pedestrians that can use the lane.
4, There is no provision for repairing or maintaining the surface. The surface has been badly damaged through excessive use and is skiddy.
5, There is no safe crossing area, for pedestrians at the bottom of the lane.
6, There are no "keep clear" markings on the main road, at the top of the lane.
7, There are no warning signs for pedestrians on the foot path, to take care when crossing the top of the lane.

Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

15-07-2018

In the case of an existing use or activity in breach of conditions has there been any interruption?

- ○ Yes
- ◉ No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?

- ○ Yes
- ◉ No

Residential Information

Does the application for a certificate relate to a residential use where the number of residential units has changed?

- ○ Yes
- ◉ No

Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- ◉ Yes
- ○ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- ○ The agent
- ◉ The applicant
- ○ Other person

Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- ○ Yes
- ☑ No

Interest in the Land

Please state the applicant's interest in the land

- ☑ Owner
- ○ Lessee
- ○ Occupier
- ○ Other

Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:
(a) a member of staff
(b) an elected member
(c) related to a member of staff
(d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

- ○ Yes
- ☑ No

Declaration

I/We hereby apply for Lawful development: Existing use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.
I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.
I/We also accept that, in accordance with the Planning Portal's terms and conditions:
- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

☑ I / We agree to the outlined declaration

Signed

Maxine Tatum

Date

17/02/2025