

24th February 2025

Planning Services  
Kirklees Council  
Civic Centre 3  
Market Street  
Huddersfield  
HD1 2EY

Dear Sir / Madam,

**Certificate of Lawful Use to confirm the lawful commencement of 2020/90350 at  
Gomersal Hall, Oxford Road, Gomersal, Cleckheaton, BD19 4AT.**

This certificate of lawfulness application is submitted in relation to the redevelopment of the Gomersal Hall site to the west of Oxford Road. The proposals involve the demolition of existing buildings and erection of 7 dwellings and associated garages approved under 2020/90350.

The principal site access is off West Lane to the southwestern corner of the site as approved within application – 2020/90350 for the erection of 7No dwellings.

**The Development**

The development as approved under 2020/90350 involves the creation of 7 individual dwellings on the site following the demolition of the existing dwelling. The application was approved on 12<sup>th</sup> Nov 2020.



Following approval of the above scheme, a Discharge of Condition Application (2023/92017) was submitted to Kirklees Council in July 2023. Conditions 7, 10, 11 and 16 were discharged as pre-commencement conditions.

The site owner is currently negotiating the sale of the site to an external developer, as part of the due diligence, the prospective purchaser has asked for confirmation that the permission (2020/90350) has been lawfully implemented.

A material start was made on site, through the demolition of the former detached dwelling on 9<sup>th</sup> November 2023 within the three year time period condition attached to the approval of 2020/90350. This is evidenced through the Section 81 notice, Asbestos Survey & Asbestos Certification (dated 10.11.23). Invoices from Hutchinson Demolition & Dismantling Ltd dated 6<sup>th</sup> and 13<sup>th</sup> Nov 2023 are also submitted confirming the demolition dates. Martin Walsh Architectural also sent an email on 10.11.23 with photographic evidence of the demolition to Elenya Jackson, no response was received from the Case Officer but the email with photos can be provided upon request.

An additional meeting was held between the architect, agent and Kirklees Planning Group Leader (Julia Steadman) on 31.1.25 where the Kirklees Representative confirmed verbally that the Authority's position was that a lawful material start had been made on site and 2020/90350 remained extant. Within the meeting a discussion was had relating to Condition 14 of the approval, this condition stated "Before development commences, the wall to the Oxford Road frontage shall be lowered to a height of 0.9m above the level of the adjacent Oxford Road carriageway as shown on approved plan number 0025 revision P1 and the sight lines of 2.4 x 37m shall be cleared of all obstructions to visibility exceeding 0.9m in height and these shall be retained free of any such obstruction".

Kirklees Council Planning Officer's have confirmed their position that condition 14 *excluded* demolition of the previous house from the intentions of the 'pre-commencement' trigger. As such, the details relating to the Oxford Wall frontage can still be submitted to Kirklees Council in due course.

No other pre-commencement conditions were applied to the approval of 2020/90350.

## Conclusions

In conclusion, the proposed development of 7 dwellings and associated garages approved under 2020/90350 was commenced lawfully prior to the expiry of the permission on 12<sup>th</sup> November 2023. The site therefore benefits from an extant planning permission (2020/90350) to redevelop the site for 7 large detached dwellings arranged centrally within the site, development works can recommence without the need to apply for a separate permission in due course.

I trust the above explanation allows Kirklees Council to approve this Certificate of Lawfulness on the basis of the evidence submitted and confirm that 2020/90350 was commenced lawfully prior to the expiry of the permission on 12<sup>th</sup> November 2023

If anything further is required, please do not hesitate to contact the undersigned.

Yours sincerely,

Jonathan Dunbavin BSc MCD MRTPI  
Director  
ID Planning