

Architecture
Planning
Urban Design
Landscape



Certificate of Lawful Use
Supporting Statement

Crossley Lane, Dalton

June 2025

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Section 1 - Introduction

This supporting statement has been prepared in support of Certificate of Lawfulness of Existing Use or Development pursuant to Section 191 of the Town & Country Planning Act 1990 (as amended).

Planning permission was granted by Kirklees Council (the Council) on 14th March 2017 for outline permission for erection of residential development comprising (Use Class C3) and incorporating associated new access (to Crossley Lane and Cold Royd Lane), and associated works under reference 2015/60/90430/W.

Planning permission was granted by the Council (the Council) on 24th November 2022 for reserved matters consent pursuant to outline permission 2015/90430 for erection of residential development comprising (Use Class C3) and incorporating associated new access (to Crossley Lane and Cold Royd Lane), and associated works (122 dwellings) under reference 2020/61/90805/W.

This statement provides the background information on the planning consent, and the operations that have been undertaken to implement the planning consent.

The statement is structured as follows:

Section 2 outlines the site;

Section 3 summarises the relevant planning history;

Section 4 sets out the legislative framework for implementation;

Section 5 identifies the actions to implement the consent;

- Discharge of conditions precedent.
- Extent of works undertaken.

Section 6 sets out the conclusions.

Section 2 – The Site

This application relates to two parcels of land located at Crossley Lane and Cold Royd Lane.

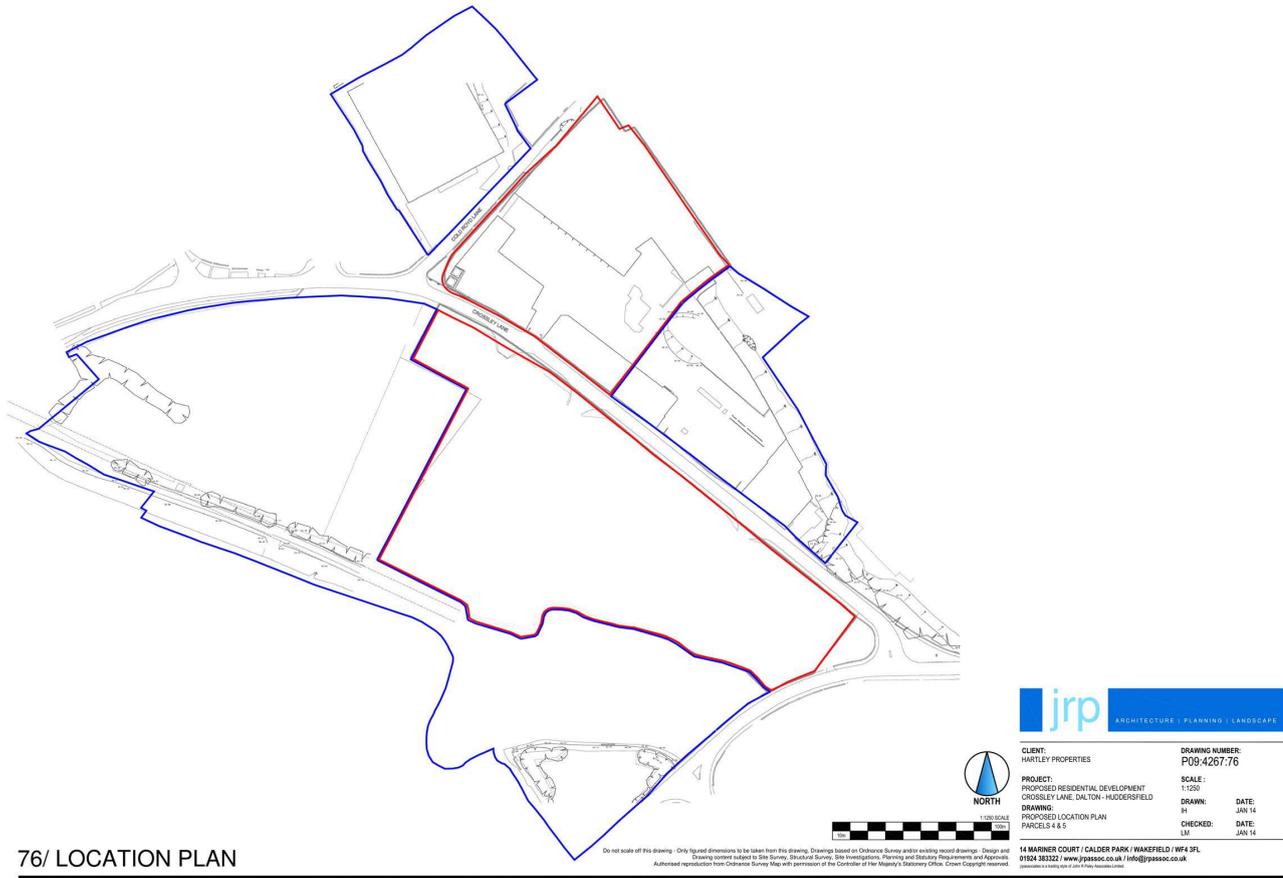


Figure 1 – Location Plan Parcels 4 & 5

Section 3 – Planning History and Certificate

The relevant planning history for the site is listed below:

2014/93835

Prior notification for demolition of buildings – Approved

Submitted - 9th December 2014

Validated – 18th December 2014

Determined – 9th June 2015

2015/90430

Outline application for erection of residential development comprising (Use Class C3) and incorporating associated new access (to Crossley Lane and Cold Royd Lane), and associated works

Submitted – 13th February 2015

Validated – 16th February 2015

Determined – 14th March 2017

2019/93708

Variation of conditions 5. (highways) and 7. (visibility splays) on previous permission no. 2015/90430 for outline application for erection of residential development comprising (Use Class C3) and incorporating associated new access (to Crossley Lane and Cold Royd Lane), and associated works

Withdrawn

2020/90805

Reserved matters application pursuant to outline permission 2015/90430 for erection of residential development comprising (Use Class C3) and incorporating associated new access (to Crossley Lane and Cold Royd Lane) and associated works (122 dwellings)

Submitted – 11th March 2020

Validated – 12th March 2020

Determined – 24th November 2022

Conditions Discharge

2024/92454

Discharge of details reserved by conditions 5 (access highway works), 6 (traffic calming measures), 8 (construction traffic), 9 (Phase II Intrusive Site Investigation Report), 10 (Remediation Strategy) and 14 (landscape) of previous outline permission 2015/90430 for erection of residential development comprising (Use Class C3) and incorporating associated new access (to Crossley Lane and Cold Royd Lane) and associated works

Submitted – 24th August 2024

Validated – 29th August 2024

Target Determination Date – 24th October 2024

2024/92458

Discharge of details reserved by conditions 2 (junction works), 5 (CEMP), 6 (CEMP: Biodiversity), 7 (temporary drainage) and 8 (Ecological Design Strategy) of previous reserved matters approval 2020/90805 pursuant to outline permission 2015/90430 for erection of residential development comprising (Use Class C3) and incorporating associated new access (to Crossley Lane and Cold Royd Lane), and associated works (122 dwellings)

Submitted – 24th August 2024

Validated – 29th August 2024

Target Determination Date – 24th October 2024

2024/92842

Discharge of details reserved by conditions 3 (drainage) and 4 (adoptable estate roads) of previous Reserved Matters approval 2020/90805 pursuant to outline permission 2015/90430 for erection of residential development comprising (Use Class C3) and incorporating associated new access (to Crossley Lane and Cold Royd Lane) and associated works (122 dwellings)

Submitted – 4th October 2024

Validated – 4th October 2024

Target Determination Date – 29th November 2024

Section 73 Variations**2024/92774**

Variation conditions 5 (highway works), 6 (traffic calming), 7 (visibility splays), 8 (construction traffic), 12 (Validation Report), 13 (FRA), 14 (landscape) on previous outline permission 2015/90430 for erection of residential development comprising (Use Class C3) and incorporating associated new access (to Crossley Lane and Cold Royd Lane), and associated works

Submitted – 26th September 2024

Validated – 26th September 2024

Target Determination Date – 26th December 2024

2024/92775

Variation conditions 1 (plans), 2 (road widening), 3 (drainage), 4 (internal roads), 5 (CEMP), 6 (CEMP: Biodiversity), 7 (drainage), 8 (EDS), 9a, 9b (drainage), 10 (windows), 11 (lighting), 12 (refuse collection), 13 (cycle parking), 14 (boundary treatments), 17 (landscape), 18 (materials) of previous reserved matters approval 2020/90805 pursuant to outline permission 2015/90430 for erection of residential development comprising (Use Class C3) and incorporating associated new access (to Crossley Lane and Cold Royd Lane) and associated works (122 dwellings)

Submitted – 26th September 2024

Validated – 26th September 2024

Target Determination Date – 26th December 2024

The permission to which this lawful development certificate relates is:

2015/90430: Outline application for erection of residential development comprising (Use Class C3) and incorporating associated new access (to Crossley Lane and Cold Royd Lane), and associated works – Approved

2020/90805: Reserved matters for erection of residential development comprising (Use Class C3) and incorporating associated new access (to Crossley Lane and Cold Royd Lane), and associated works (122 dwellings) – Approved

A lawful development certificate application is submitted in relation to the above planning applications to seek confirmation in the form of a LDC that the permission has been lawfully implemented

Conditions present were submitted and works were started on site prior to the expiry date of 24th November 2024.

This work is set out in the lawful implementation evidence section and included with this application.

Section 4 - Legislative Context

The application and supporting evidence demonstrate, in accordance with the tests set out within Section 191 of the Town and Country Planning Act 1990 (as amended), that the works carried out are in full accordance with the approved planning permission and that, for the purposes of Section 56 of the Act, they comprise a material operation.

Section 191(1) states that:

- (1) If any person wishes to ascertain whether (a) any existing use of building or other land is lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations, or other matter.

Government guidance in the National Planning Policy Guidance (NPPG) states that, in the case of applications for existing use, 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.

- The onus of proof is upon the applicant;
- The relevant test of the evidence submitted is 'the balance of probability';
- If the LPA have no evidence of their own, or from other, to contradict or otherwise make the applicant's versions of events less than probable, there is no good reason to refuse the application.

Section 56 of the Town and Country Planning Act 1990 states that development of land shall be taken to be initiated if the development consists of the carrying out of operations, at the time when those operations are begun. The Act defines "material operations" as follows:

- (a) any work of construction in the course of the erection of a building;
- (b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;
- (c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b).

It is our view that the development complies with sections A and B of this section of the Act.

Section 5 - Lawful Implementation

This application is submitted to establish the lawful implementation of the works approved under application 2015/90430 approved 14th March 2017 within the 3 year time limit given in condition 3 for the submission of reserved matters and the 2 year time limit within condition 4 for the implementation of development.

This section will set out the relevant steps that have been taken to implement the proposals.

Timeline Key Dates

Key Milestone	Key Milestone Date	Compliance Action	Date
Reserved Matters Submission	14 th March 2020	Reserved Matters submitted	11 th March 2020
Reserved Matters Implementation	24 th November 2024		
		Parcel 4 registered with NHBC for Building Control*	April 2024
		Pre-development condition discharge applications submitted 2024/92454	24 th August 2024
		Pre-development condition discharge applications submitted 2024/92458	24 th August 2024
		Pre-development condition discharge applications submitted 2024/92842	4 th October 2024
		Foundation design for Plots D42 & 43 on Parcel 4	19 th September 2024
		Foundation for Plot D42 Parcel 4 implemented to DPC	October 2024
		NHBC Foundation Inspection	29 th October 2024
		NHBC Drain inspection	12 th November 2024

Discharge of conditions

Following the approval of planning permission, the applicant has made applications to discharge the relevant pre-commencement conditions in relation to planning application.

The pre-commencement conditions were identified as:

Outline Consent 2015/90430	
Condition No	Requirement
5	Access highway works
6	Traffic calming measures
8	Construction traffic

9	Phase II Intrusive Site Investigation Report)
10	Remediation Strategy
14	Landscape
Reserved Matters - 2020/90805	
2	Junction works
3	Drainage
4	Adoptable estate roads
5	CEMP
6	CEMP: Biodiversity
7	Temporary drainage
8	Ecological Design Strategy

The applications which address these conditions are listed below:

2024/92454

Discharge of details reserved by conditions 5 (access highway works), 6 (traffic calming measures), 8 (construction traffic), 9 (Phase II Intrusive Site Investigation Report), 10 (Remediation Strategy) and 14 (landscape) of previous outline permission 2015/90430 for erection of residential development comprising (Use Class C3) and incorporating associated new access (to Crossley Lane and Cold Royd Lane) and associated works

Submitted – 24th August 2024

Validated – 29th August 2024

Target Determination Date – 24th October 2024

2024/92458

Discharge of details reserved by conditions 2 (junction works), 5 (CEMP), 6 (CEMP: Biodiversity), 7 (temporary drainage) and 8 (Ecological Design Strategy) of previous reserved matters approval 2020/90805 pursuant to outline permission 2015/90430 for erection of residential development comprising (Use Class C3) and incorporating associated new access (to Crossley Lane and Cold Royd Lane), and associated works (122 dwellings)

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2024/92842

Discharge of details reserved by conditions 3 (drainage) and 4 (adoptable estate roads) of previous Reserved Matters approval 2020/90805 pursuant to outline permission 2015/90430 for erection of residential development comprising (Use Class C3) and incorporating associated new access (to Crossley Lane and Cold Royd Lane) and associated works (122 dwellings)

Submitted – 4th October 2024

Validated – 4th October 2024

Target Determination Date – 29th November 2024

Although conditions are not formerly discharged, the required details were submitted before this date and emails and meetings with the Case Officer have been undertaken to resolve the requirements. With reference to G Whitley & Sons Co Limited v Secretary of State for Wales [1990] JPL 678 (the Whitley Principle) and also principles from the Hart case, it is not considered that the delayed final approval of the conditioned matters could be regarded as rendering operations carried out to activate the permission as unlawful.

Works Carried Out

Details in respect of the pre-commencement conditions were under negotiation with consultees and the Case Officer in parallel with operational development occurring on site.

The Parcel 4 was registered with the NHBC for Building Control on the 16th August 2024. This is documented in the NHBC Portal (attached at Appendix 1)*.

The foundation design for Plots D42 & 43 on Parcel 4 was drawn and specified 19th September 2024 (attached at Appendix 2).

Following the submission of all pre-development conditions (August and October 2024), implementation works commenced in October 2024. This comprised excavation, and foundation to DPC for plot D42. The NHBC inspection for this is included in Appendix 3. The Contractor invoice for the works is included in Appendix 4.

Time stamped photographs of the foundation complete are shown in Appendix 5. This is shown as complete Friday 22nd November 2024.

As such, the works carried out are considered to be a 'material operation' in accordance with the terms of S.56 of the Town and Country Planning Act 1990. Therefore, the development has been lawfully implemented.

**Plots D42 & 43 are part of a wider development site registration with the NHBC and are referenced as plots 102-103 on NHBC correspondence – Appendix 3.*

Section 6 - Conclusions

Following the submission of all appropriate pre-commencement conditions, works have begun and are considered to be a 'material operation' in accordance with section 56 of the Town and Country Planning Act 1990. Therefore, the scheme (**2015/90430 & 2020/90805**) which required a material start prior to 24th November 2024 has been lawfully implemented.

In accordance with Section 191(1) of the Act, this application is made to establish that the implementation is lawful.

Appendix 1

NHBC Building Regulations

Land off Crossley Lane, Huddersfield, HD5 9SX Details incorrect?
NHBC Site Ref: 0006150443 Site Name: Crossley Lane, Dalton Your Site Ref: Not added [Edit](#) [Back to list of Sites](#)

- Site Overview
- Conditions & RIs
- Docs to NHBC
- Docs from NHBC
- Plot Registrations**
- NHBC Contacts

Plot Schedules + Add Plot

Buildmark Newbuild & Building Control

Plot Usage: Private Sale
No. of Plots: 148
Plot Nos: 1-148
Builder: Crest Nicholson Yorkshire - A division of Crest Nicholson Operations Limited
Landowner: Crest Nicholson Yorkshire - A division of Crest Nicholson Operations Limited

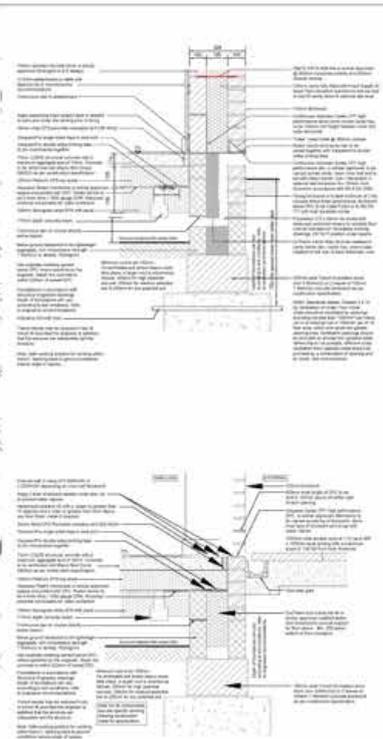
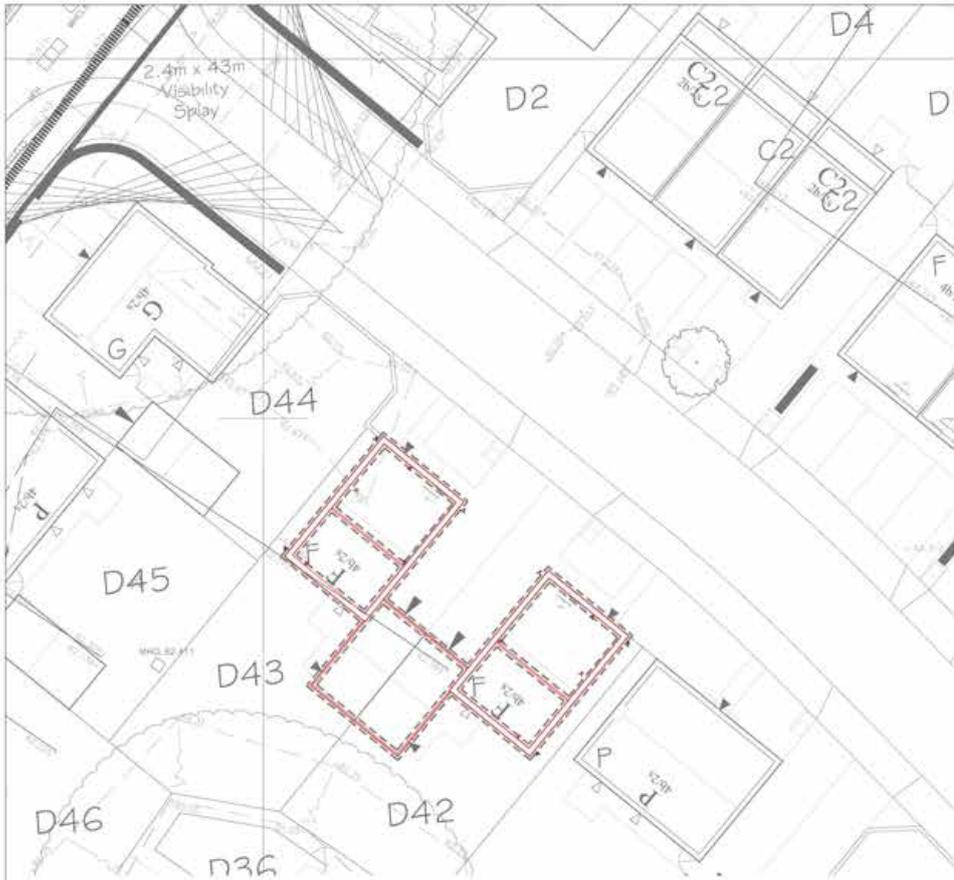
[Full Parties](#) [Delete](#)

Blocks on Site + Add Block

Layout and House Schedule 1 doc(s) Tagged to conditions: N/A Download	Ben Tidmarsh - Crest Nicholson Yorkshire - A division of Crest Nicholson Operations Limited Uploaded on 22 Aug 2024 13:54 Sent on 22 Aug 2024 13:55 Received by NHBC on 22 Aug 2024 12:57
Stage 2 SI 3 doc(s) Tagged to conditions: N/A Download	Ben Tidmarsh - Crest Nicholson Yorkshire - A division of Crest Nicholson Operations Limited Uploaded on 22 Aug 2024 13:52 Sent on 22 Aug 2024 13:52 Received by NHBC on 22 Aug 2024 12:55
New Site Application 5 doc(s) Tagged to conditions: No conditions tagged Download	Ben Tidmarsh - Crest Nicholson Yorkshire - A division of Crest Nicholson Operations Limited Uploaded on 16 Aug 2024 14:37 Sent on 16 Aug 2024 14:00 Received by NHBC on 16 Aug 2024 14:39

Appendix 2

Foundation Design



Plot No	FFL	Existing GL	Proposed GL	Depth to Natural ground from Existing	Depth to Natural Ground from Proposed	TOC Level	Foundation Type	Radon/Gas Protection	Comments
D42	63.65	62.36	63.50	0.80	1.94	62.15	Trench fill	Yes	Foundation to be dug through existing ground and concrete poured to 150mm below existing ground levels. Blockwork to be brought up with remediation
D42/43 G	63.35	62.36	63.35	0.80	1.79	62.15	Trench fill	Yes	
D43	63.50	62.37	63.35	0.80	1.78	62.15	Trench fill	Yes	

Date: 10/10/2023
 Drawn: [Name]
 Checked: [Name]
 Approved: [Name]

Appendix 3
NHBC Inspection Records

*Plots D42 & 43 are part of a wider development site registration with the NHBC and are referenced as plots 102-103 on NHBC correspondence.

NHBC My NHBC Portal Organization: Crest Nicholson Yorkshire - A division of Crest Nicholson Operations Limited - 137011

NHBC Site Ref: 0066150443 Site Name: Crossley Lane, Dalton Your Site Ref: Not added Edit Site Details

Management Account | User: leeburnett

Navigation: < Back to Site Overview < Previous Plot Next Plot >

Export Plot Details Expand All Collapse All

Plot details

Plot Number: 102

Dwelling Type:

Construction Type:

Number of Storeys:

Basement: No

Block Name: N/A

Registration details

Technical details

Intention To Start Work: 07/04/2025

Regarded As Commenced: 01/04/2025

Start Date: 29/10/2024

Latest Inspection Stage: Substructure to DPC



Contacts and information

Site ID no. 6150443
(2A Risk Profile)

Site Manager:

Name: DAVID SOLT Tel:
Mobile: Email:

NHBC Building Inspector:

Name: RUSSELL DEVINE Tel: 01143 221599 - INSPECTIONS
Mobile: 07766 071316 rdevine@nhbc.co.uk.

The Building Inspector must be given a minimum of 24 hours notice for all Key Stage and Risk Based Inspections. If your regular inspector is not available, your call will automatically divert to the covering inspector for attention.

NHBC Inspection Manager:

Name: JONATHAN WATKINSON Tel:
Mobile: 07725 827099 Email: jwatkinson@nhbc.co.uk.

Additional NHBC technical contacts:

Engineer: JEE ALLERTON - 07594 508059 - jallerton@nhbc.co.uk.
Surveyor: Steve Robinson - 07747 101033 - srobinson@nhbc.co.uk.
Technical Building Consultant: Bill Rowland - 07543 300359 - wdrawland@nhbc.co.uk.

Additional information:

Site information

NHBC - Building Control	Yes/No		
Part E Robust Details	Yes/No		
Part G (April 2010)	Yes/No		
Parts F, ... and L (Oct 2010)	Yes/No		
Clay Soil	Yes/No		
Plasticity Index	Low	Medium	High

Render, Dormers, Spondrels, 3 Storey,

148 Plots.



Appendix 4
Contractor Invoices



EAST COAST CONSTRUCTION

CATWICK LANE, BRANDESBURTON, EAST YORKSHIRE, YO25 8SB
TEL: 01964 533112

Minerva Developments Ltd
Cumberland House
Greenside Lane
Bradford
BD8 9TF

TAX POINT	INVOICE NUMBER	YOUR REFERENCE	ECC REF	ADDITIONAL REFERENCE
30.11.2024	9274	Plot 42	205	

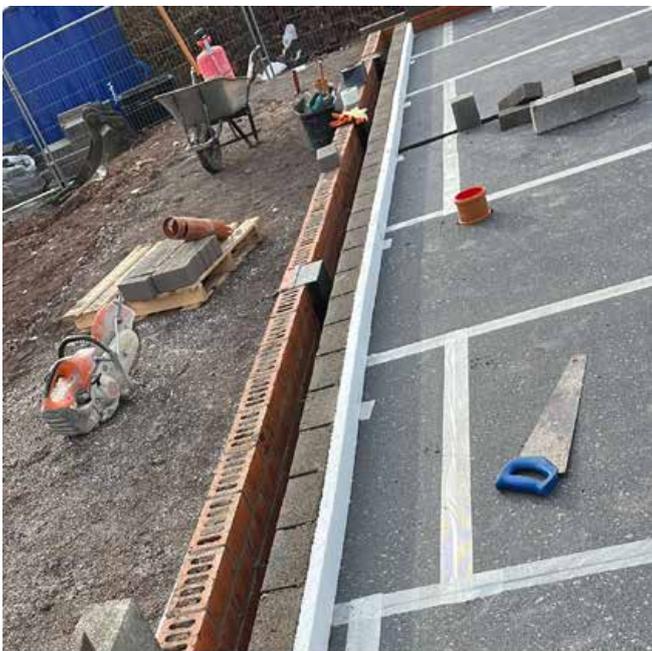
DESCRIPTION	DELIVERY NOTE	QUANTITY	UNIT PRICE	TOTAL
Works to Plot 42 carried out between 01/11/24 and 22/11/24, parcel 4, Crossley Lane, Dalton Plotworks				

SUB TOTAL	£	
VAT @0.0%	£	
TOTAL	£	

Please make out cheques to "East Coast Construction (NE) Ltd"
Bank details for BACS payments:
Lloyds Bank, Hull City Centre
Sort code: 309444
A/C No: 40602860

VAT Reg No: 847414710 - Company Reg No: 5113335

Appendix 5
Site Photographs



Add a Caption

Monday • 18 Nov 2024 • 12:19

[Adjust](#)

A3137FFA-8AB8-4495-BFA0-75D622FAEE09

Apple iPhone 13

JPEG

Wide Camera — 26 mm f1.6

8 MP • 2160 × 3840 • 3.4 MB

ISO 50

29 mm

0 ev

f1.6

1/1062 s



Add a Caption

Friday • 22 Nov 2024 • 08:34

[Adjust](#)

IMG_0107

Apple iPhone 13

HEIF



Wide Camera — 26 mm f1.6

12 MP • 3024 × 4032 • 3.2 MB

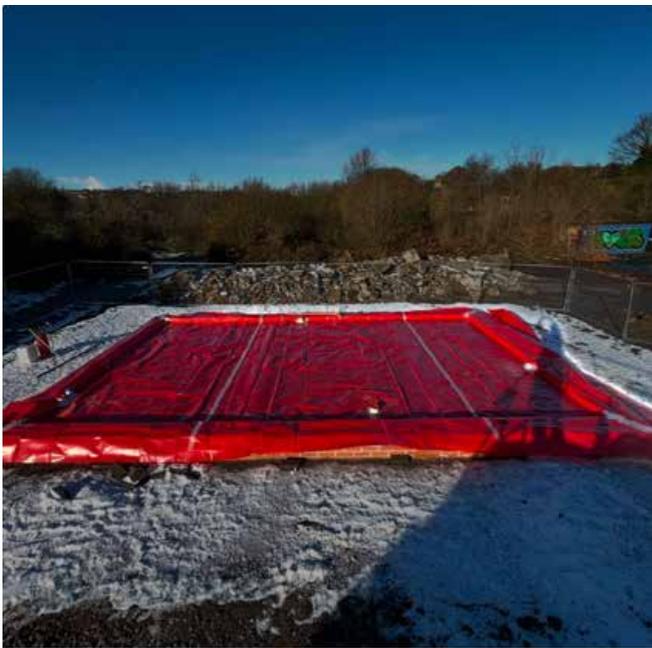
ISO 50

26 mm

0 ev

f1.6

1/415 s



Add a Caption

Friday • 22 Nov 2024 • 10:35

[Adjust](#)

IMG_0139

Apple iPhone 13

HEIF



Ultra Wide Camera — 13 mm f2.4

12 MP • 4032 × 3024 • 2.5 MB



Add a Caption

Friday • 22 Nov 2024 • 12:57

[Adjust](#)

IMG_0142

Apple iPhone 13

HEIF



Ultra Wide Camera — 13 mm f2.4

12 MP • 4032 × 3024 • 2.1 MB

