



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 (DEVELOPMENT MANAGEMENT
PROCEDURE) (ENGLAND) ORDER 2015: ARTICLE 39**

REFUSAL OF CERTIFICATE OF LAWFUL USE OR DEVELOPMENT

Application Number: 2025/CL/92054/W

To: Natalie Garside
ADP Architecture & Design
The Old Police Station
16, Bridge Lane
Holmfirth
HD9 7AN

For: MR & MRS MASON

FIRST SCHEDULE CERTIFICATE OF LAWFULNESS FOR EXISTING USE OF
OUTBUILDING FOR ENJOYMENT OF THE DWELLING

SECOND SCHEDULE Upper House, Upper House Road, Hade Edge, Holmfirth,
HD9 1RW

**KIRKLEES COUNCIL HEREBY REFUSES TO CERTIFY THAT ON 21-JUL-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
SUBMITTED PLANS WAS LAWFUL WITHIN THE MEANING OF SECTION 191 OF
THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED), FOR THE
FOLLOWING REASONS:**

On the balance of probabilities, it has not been demonstrated that the outbuilding known as the 'Chicken Shed' has undertaken a material change of use and has been used for purposes for the enjoyment of the dwellinghouse known as Upper House, Upper House Road, Hade Edge, Holmfirth, HD9 1RW for a continuous and uninterrupted period in breach of planning control in excess of 10-years prior to the submission of this application.

The building as an outbuilding known as the 'Chicken Shed' is not located within the defined curtilage of the dwellinghouse known as Upper House, Upper House Road, Hade Edge, Holmfirth, HD9 1RW and therefore the use of the building for incidental purposes fails to meet the criteria of Section 55(2)(d) of the Town and Country Act 1990.

Plans and specification

Plan Type	Reference	Version	Date Received
Location plan	PP-14174794v1		22nd July 2025
Block plan	24010D-01-P01		22nd July 2025
Photos x 3			22nd July 2025
Justification Statement	24010JS – Mason – Upper House – Use of Outbuilding Justification		22nd July 2025
Invoice	Robert M. Coxhead		22nd July 2025

Development within a Coal Mining Area

DEVELOPMENT LOW RISK AREA - STANDING ADVICE

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Mining Remediation Authority on 0345 762 6846 or if a hazard is encountered on site call the emergency line 0800 288 4242.

Further information is also available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](https://www.mra.gov.uk)

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) If the applicant is aggrieved by the decision of the Local Planning Authority to refuse an application for a certificate of lawfulness of development, in whole or part (including any modification or substitution of the description of the use, operations or any other matter), 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 [the Planning Inspectorate website](#).

Further information on the Planning Appeal process can be found online at [the Planning Inspectorates website](#).

- 2) This decision is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended)

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 so that we can work on continually improving our customer service. Thank you.

Dated: 03-Nov-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