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Planning - PO Box 1720, Huddersfield, HD1 9EL  
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## 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

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

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

Easting (x)

Northing (y)

Description

Please refer to the Planning Statement. Drawing No.AF1231-D12 identifies the CLEUD area (red line boundary). The CLEUD area (0.22Ha) abuts the permitted eastern boundary of Airfield Quarry which is an operational sandstone quarry (20Ha).

## Applicant Details

### Name/Company

Title

Mr

First name

James

Surname

Berry

Company Name

Johnsons Wellfield Quarries Ltd

### Address

Address line 1

Thewlis Lane

Address line 2

Crosland Hill

Address line 3

Town/City

Huddersfield

County

West Yorkshire

Country

United Kingdom

Postcode

HD4 7AB

Are you an agent acting on behalf of the applicant?

Yes

No

## Contact Details

Primary number

\*\*\*\*\* REDACTED \*\*\*\*\*

Secondary number

\*\*\*\*\* REDACTED \*\*\*\*\*

Fax number

Email address

\*\*\*\*\* REDACTED \*\*\*\*\*

## Agent Details

Name/Company

Title

Mr

First name

Rick

Surname

Bright

Company Name

Bright & Associates

## Address

Address line 1

Pear Tree House

Address line 2

Dovaston

Address line 3

Town/City

Oswestry

County

Shropshire

Country

United Kingdom

Postcode

SY10 8DP

## Contact Details

Primary number

\*\*\*\*\* REDACTED \*\*\*\*\*

Secondary number

\*\*\*\*\* REDACTED \*\*\*\*\*

Fax number

Email address

\*\*\*\*\* REDACTED \*\*\*\*\*

## Reason for Lawful Development Certificate

Please indicate why you are applying for a lawful development certificate

- 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.

Other

Other (please specify)

mineral extraction

## 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

Airfield Quarry is an operational sandstone quarry (20Ha). The CLEUD area comprises a small area of land (0.22Ha) (see Drawing No.AF1231-D12 of the Planning Statement). The CLEUD area is broadly rectangular in shape and abuts the eastern edge of the permitted boundary of Airfield Quarry.

Drawing No.AF1231-D11 Sheets 1 and 2 have been submitted to show the extent of the CLEUD area, topographic site surveys (month/year) and planning consent boundaries relevant to Airfield Quarry (green line). As is evident, the CLEUD area has been operated as a part of the permitted quarry since early 2015. Drawing No.AF1231-D11 (Sheet 1 of 2) has a survey date of May 2015 and shows a formed screen bund and early extraction processes. This CLEUD application covers an area of quarrying which is not included in the existing planning permissions and qualifies under the T&CPA 1990 regulations.

Please see Planning Statement for further details.

## Grounds for application for a Lawful Development Certificate

Under what grounds is the certificate being sought

*Where the use, building works or activity began **before 25 April 2024***

- 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
- 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 change of use to 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).

*Where the use, building works or activity began on or after 25 April 2024*

- The use, building works or activity began more than 10 years before the date of this application.
- 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.
- 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 submitted Planning Statement sets out the grounds for a Certificate of Lawful Existing Use or Development (CLEUD).

In summary, Airfield Quarry is an operational sandstone quarry. The CLEUD area comprises a small area of land (0.22Ha) (see Drawing No.AF1231-D12). The CLEUD area is broadly rectangular in shape and abuts the eastern edge of the permitted boundary of Airfield Quarry. The CLEUD area also falls within the blue line boundary (i.e. within the control of the Applicant).

With regard to justification and grounds.

Drawing No.AF1231-D11 Sheets 1 and 2 show the extent of the CLEUD area, topographic site surveys (month/year) and planning consent boundaries relevant to Airfield Quarry (green line).

Drawing No.AF1231-D11 (Sheet 1 of 2) presents the 2015 topographic site survey which is dated May 2015 and shows the extent of the operational quarry. This demonstrates an extension into the CLEUD area in the early months of 2015.

Drawing No.AF1231-D11 (Sheet 2 of 2) presents the 2025 topographic site survey which is dated March 2025 and the site remains as such to date. Again, this shows the extent of the overall current operational quarry and includes the CLEUD area. The CLEUD area has been an active part of the quarry for over 10 years.

Thus, a comparison between the two Drawings shows that the CLEUD area has had over 10 years of continuous use. Airfield Quarry has been an active quarry for that period of time and the quarry development has continued beyond the boundary as it is seen today.

No enforcement action has been taken by Kirklees Council regarding the CLEUD area.

The CLEUD (when granted) will not have any attached restoration commitments or other working. Rather, it will be subject to a programme that might otherwise be expected under a typical quarry.

The supporting information in the Planning Statement shows that there is clear documented evidence to demonstrate that the land has been used as part of an existing quarry. On this basis it is considered that a CLEUD should be issued.

## 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)?

13-05-2015

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

Rick Bright

Date

22/07/2025