

JOHNSONS WELLFIELD LTD.

**AIRFIELD QUARRY, CROSLAND MOOR,
HUDDERSFIELD**

Planning Statement

Application for a Certificate of Lawful Existing Use or Development
(CLEUD)

July 2025

CONTENTS

1.1.	INTRODUCTION	1
1.2.	LEGISLATION AND CLEUD GUIDANCE	2
1.3.	DESCRIPTION OF THE CLEUD AREA AND ITS SURROUNDING ENVIRONS.....	3
1.4.	AIRFIELD QUARRY PLANNING HISTORY.....	3
1.5.	JUSTIFICATION AND GROUNDS.....	4
1.6.	CONCLUSIONS	5

DRAWINGS

Drawing No.AF1231-D12: Location Plan for the Boundary of the CLEUD Application and the Extent of the Ownership Boundary

Drawing No.AF1231-D11 (Sheet 1 of 2): Topographic Site Survey dated May 2015

Drawing No.AF1231-D11 (Sheet 2 of 2): Topographic Site Survey dated March 2025

APPENDICES

Appendix C1: Copy of Plan P1: Site Location Plan and Ownership Plan from the submitted Section 73 Application – Airfield Quarry Planning Statement (Bright & Associates, July 2025)



1.1. INTRODUCTION

- 1.1.1. Johnsons Wellfield Limited (the Applicant) currently operates Crosland Moor Quarry (Airfield Site) at Crosland Moor near Huddersfield. Hereafter, referred to as Airfield Quarry or the Site.
- 1.1.2. Airfield Quarry is an operational sandstone quarry and is c.20 hectares (Ha) in size. In turn, Airfield Quarry forms part of a wider quarry complex consisting of a number sites with separate planning consents.
- 1.1.3. Bright & Associates (B&A) (the Agent) has been requested by the Applicant to submit an application for a Certificate of Lawful Existing Use or Development (a CLEUD) in order to confirm that the use of a small area of land (0.22Ha) adjacent to the permitted Airfield Quarry is lawful (the CLEUD area).
- 1.1.4. Drawing No.AF1231-D12 shows the boundary for the application for the CLEUD (red line) and land within the control of the Applicant (blue line).
- 1.1.5. This CLEUD application is made under section 191(2) of the Town and Country Planning Act 1990 (as amended). Hereafter, referred to as the T&CPA 1990. Information has been provided in accordance with Article 39 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 1.1.6. This Planning Statement sets out the evidence for a CLEUD to allow Kirklees Council (KC) as the Local Planning Authority for a legal determination on this established use of land. The information provided supports the completed application form.
- 1.1.7. The remainder of this report consists of the following Sections:
- ◆ **Section 1.2:** Legislation and CLEUD Guidance;
 - ◆ **Section 1.3:** Description of the CLEUD Area and its Surrounding Environs;
 - ◆ **Section 1.4:** Airfield Quarry Planning History;
 - ◆ **Section 1.5:** Justification and Grounds; and
 - ◆ **Section 1.6:** Conclusions.
- 1.1.8. The following Drawings are included:
- ◆ **Drawing No.AF1231-D12:** Location Plan for the Boundary of the CLEUD Application and the Extent of the Ownership Boundary;
 - ◆ **Drawing No.AF1231-D11 (Sheet 1 of 2):** Topographic Site Survey dated May 2015; and
 - ◆ **Drawing No.AF1231-D11 (Sheet 2 of 2):** Topographic Site Survey dated March 2025.
- 1.1.9. The full address of the Site is Airfield Quarry, Crosland Hill, Huddersfield HD4 7AB. The approximate centre of the CLEUD area is 411138 (easting) and 413922 (northing).



1.1.10.A separate Section 73 planning application (under the T&CPA 1990) has also been made to KC to update planning Conditions attached to the existing quarry approval ref no. 2015/70/90640/W0 without complying with Conditions 1, 3, 7, 9, 11, 14, 15, 16, 17, 25, 28 and 54 in order to allow crushing and screening on site and infilling by the importation of non-hazardous waste (including inert soils) as part of site restoration. Appendix C1 includes a copy of Plan P1: Site Location Plan and Ownership Plan from the submitted Airfield Quarry Planning Statement (Bright & Associates, July 2025).

1.2. LEGISLATION AND CLEUD GUIDANCE

1.2.1. This Section summarises current legislation and CLEUD guidance.

Town and Country Planning Act 1990 (As Amended)

1.2.2. Section 191(1) of the T&CPA 1990 provides a mechanism for making an application to the relevant Local Planning Authority (LPA) for a Certificate of Lawfulness of Existing Use or Development (a CLEUD). This may be undertaken when '*... any person wishes to ascertain whether—*

- ◆ *(a) any existing use of buildings or other land is lawful;*
- ◆ *(b) any operations which have been carried out in, on, over or under land are lawful; or*
- ◆ *(c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful...'*

1.2.3. In such cases, information must be provided to the LPA '*specifying the land and describing the use, operations or other matter*'.

1.2.4. Section 191(2) states '*For the purposes of this Act uses and operations are lawful at any time if —*

- ◆ *(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); and*
- ◆ *(b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force*'.

1.2.5. Section 191(4) provides that '*if, on an application under this section, the local planning authority are provided with information satisfying them of the lawfulness at the time of the application of the use, operations or other matter described in the application, or that description as modified by the local planning authority or a description substituted by them, they shall issue a certificate to that effect; and in any other case they shall refuse the application*'.

1.2.6. With regard to time limits, development undertaken with respect to mining or other operations in, on, over or under land where more than 10 years old from the date of the application is immune from enforcement action due to Section 171B(1) of the Town and Country Planning Act.



National Planning Practice Guidance

- 1.2.7. The Lawful Development Certificates National Planning Practice Guidance (NPPG) (Published 6 March 2014) provides guidance for obtaining a lawful development certificate for existing or proposed use¹.
- 1.2.8. With regard to ‘Who is responsible for providing sufficient information to support an application?’ paragraph 6 states *‘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’*. (Reference ID: 17c-006-20140306)

1.3. DESCRIPTION OF THE CLEUD AREA AND ITS SURROUNDING ENVIRONS

- 1.3.1. 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.
- 1.3.2. We provide a comparison of the submitted topographic site surveys later in Section 1.5. 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 as set out earlier.
- 1.3.3. Airfield Quarry is an operational sandstone quarry (20Ha). As noted, it also forms part of a wider quarry complex including Wellfield Quarry (also known as Thewlis Lane Quarry), Waterholes Quarry and Moorfield Quarry.

1.4. AIRFIELD QUARRY PLANNING HISTORY

- 1.4.1. Previously, KC has granted planning permission for the development of Airfield Quarry. On 8 June 2006, permission was given for the extension of mineral working with restoration and demolition and subsequent reinstatement of dwelling and adjacent buildings (ref.2003/62/91691/W0).
- 1.4.2. Subsequent planning approvals have allowed the variation of Conditions (under the Town and Country Planning Act 1990):
- ◆ On 28 September 2012, permission was granted for a minor extension to the mineral extraction area at the Site. This varied Conditions 3, 9, 16 and 25 of the 2006 planning consent (ref.2009/70/93289/W0)²; and

¹ Lawful Development Certificates National Planning Practice Guidance, <https://www.gov.uk/government/collections/planning-practice-guidance>, sourced June 2025

² Reference 2009/70/93289/W0, variation of Condition 3, 9, 16 & 25 of application 03/91691 to allow a minor extension to the mineral extraction areas, Crosland Moor Quarry Extension (Airfield Site), Crosland Hill, Huddersfield, HD4 7AB, approved 28 September 2012



- ◆ On 4 August 2015, an application was made to vary Condition 12 of the 2012 consent. Permission was given to extend the quarry workings to extract basal siltstones, mudstones and shales for the restoration of Thewlis Lane Quarry. Condition 1 states that the extraction of all minerals, the removal of all buildings, plant and machinery and the restoration of the Site must be completed by 31 December 2025 (ref.2015/70/90640/W0)³.

- 1.4.3. The Kirklees Local Plan Allocations and Designations (Adopted 27 February 2019) assigns Airfield Quarry and its surrounding environs including the CLEUD area within a mineral allocation, Site ref.MES4 Land to the south of Justin Way, Crosland Moor, Huddersfield (40.48Ha) Under Policy LP69: Minerals extraction sites.
- 1.4.4. As noted, a Section 73 planning application (under the T&CPA 1990) has also been made to KC to update planning Conditions attached to the existing quarry approval ref no. 2015/70/90640/W0 without complying with Conditions 1, 3, 7, 9, 11, 14, 15, 16, 17, 25, 28 and 54 in order to allow crushing and screening on site and infilling by the importation of non-hazardous waste (including inert soils) as part of site restoration. A copy of Plan P1: Site Location Plan and Ownership Plan from the submitted Planning Statement (July 2025) is included as Appendix C1. Plan P1 identifies the mineral consent boundary relevant to Airfield Quarry and the CLEUD area.

1.5. JUSTIFICATION AND GROUNDS

- 1.5.1. As denoted by Drawing No.AF1231-D12, the CLEUD area falls within the blue line boundary (i.e. within the control of the Applicant).
- 1.5.2. 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).
- 1.5.3. 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.
- 1.5.4. 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.
- 1.5.5. 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.

³ Reference 2015/70/90640/W0, Variation of Condition 12 (basal siltstones) on previous permission 2009/93289 for extension of mineral working with restoration and demolition and subsequent reinstatement of dwelling and adjacent buildings, approved 4 August 2015



1.5.6. No enforcement action has been taken by KC regarding the CLEUD area.

1.5.7. 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.

1.6. CONCLUSIONS

1.6.1. This CLEUD application is made under section 191(2) of the T&CPA 1990. Information has been provided in accordance with Article 39 of the Town and Country Planning (Development Management Procedure) (England) Order 2015.

1.6.2. Airfield Quarry is an operational sandstone quarry (20Ha) which in turn, forms part of a wider quarry complex. Airfield Quarry operates under existing planning consents. The CLEUD area consists of a small area of land (0.22Ha) and abuts the eastern edge of the permitted boundary of Airfield Quarry (see Drawing No.AF1231-D12).

1.6.3. As denoted by Drawing No.AF1231-D12, the CLEUD area falls within the blue line boundary (i.e. within the control of the Applicant).

1.6.4. Two topographic site surveys (dated 2015 and 2025) have been provided as evidence. 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. It should be noted that no restoration commitments or other working will be attached to the CLEUD area.

1.6.5. No enforcement action has been taken by KC regarding the CLEUD area.

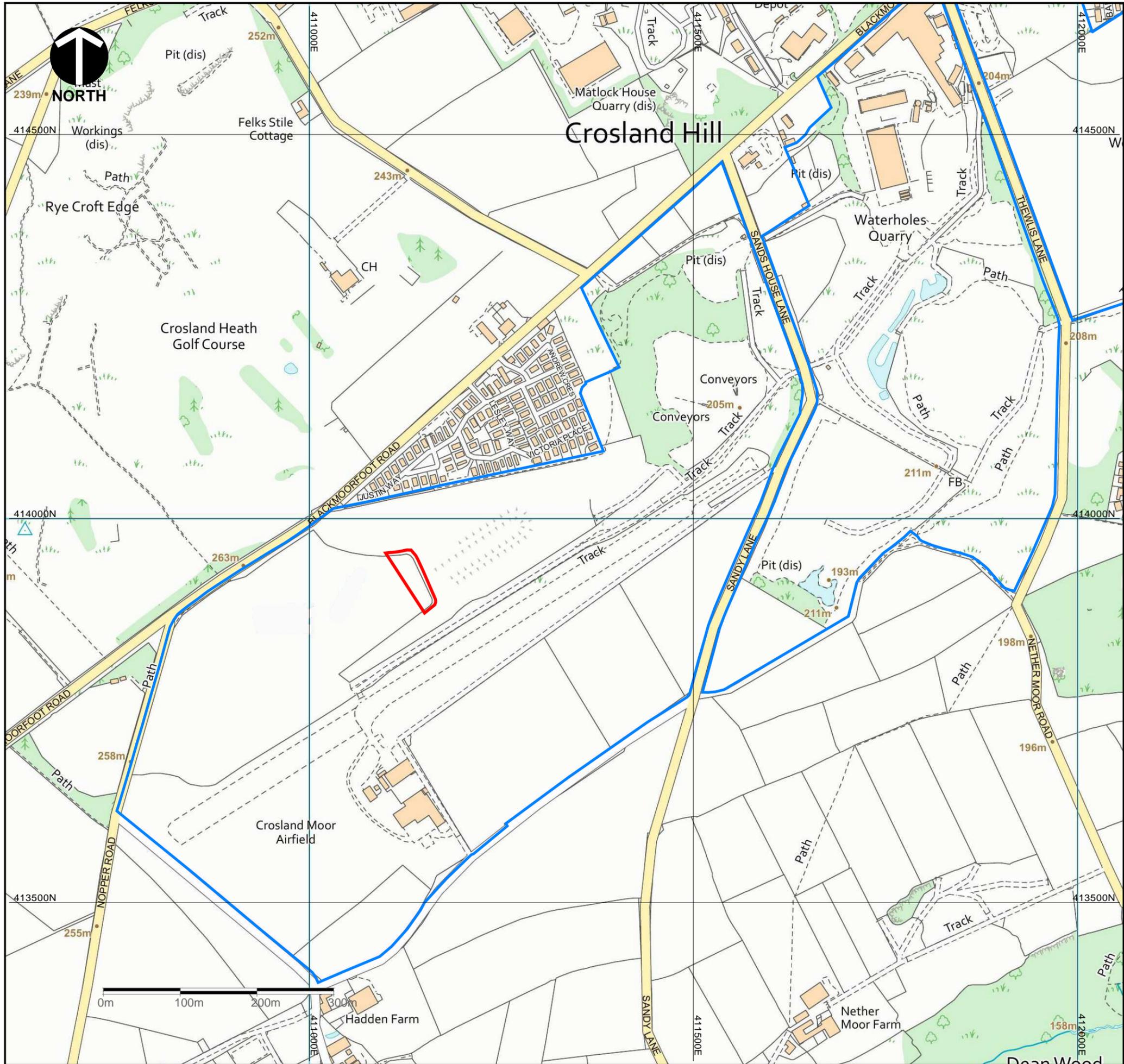
1.6.6. As such, this use of the land is lawful and exempt from enforcement action as stipulated by the T&CPA 1990.

1.6.7. The supporting information 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.

1.6.8. Hence, the Applicant seeks the grant of a CLEUD in compliance with paragraph 10 of the Lawful Development Certificates NPPG (Published 6 March 2014).

DRAWINGS LIST

DRAWING NO.	TITLE
Drawing No.AF1231-D12	Location Plan for the Boundary of the CLEUD Application and the Extent of the Ownership Boundary
Drawing No.AF1231-D11 (Sheet 1 of 2)	Topographic Site Survey dated May 2015
Drawing No.AF1231-D11 (Sheet 2 of 2)	Topographic Site Survey dated March 2025



Key

-  Area of land within the control of the Applicant
-  Boundary for the application for a Certificate of Existing Use and Development (CLEUD)

Based upon the Ordnance Survey maps with the permission of the controller of His Majesty's Stationery Office, © Crown Copyright reserved. Licence number AR100019096.

Client: **JOHNSONS WELLFIELD** 

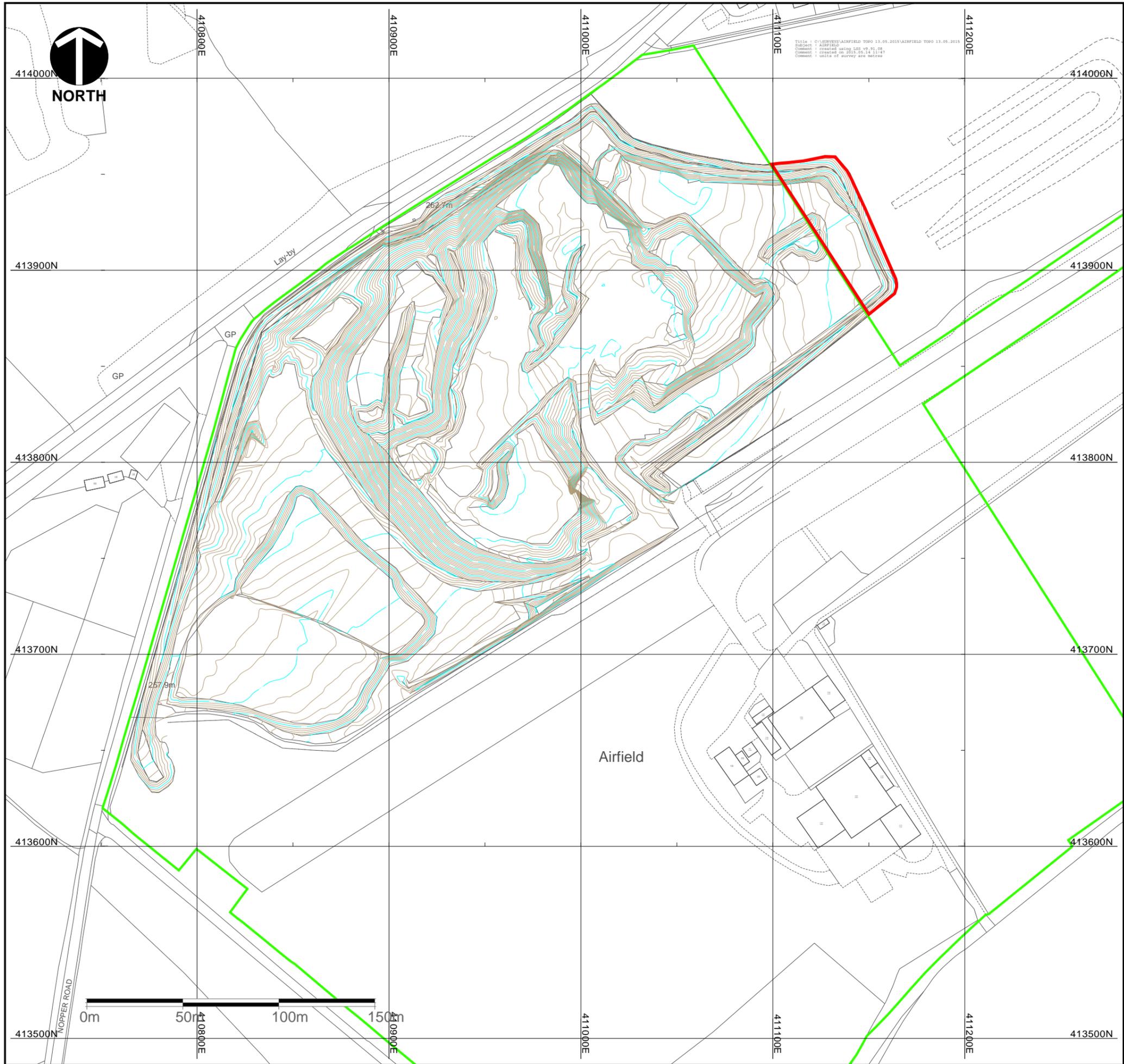
Project: **Application for a CLEUD, at Airfield Quarry**

Title: **Location Plan for the Boundary of the CLEUD Application and the Extent of the Ownership Boundary**

B&A CAD Ref:	Version:	Drawn by:	Scale @ A3:	Origin Date:
AF1231-D12v2	2	RB	Plan 1:5000	June 2025
				Amendment Date:

 **bright & associates**
landscape and environmental consultants
Fair Tree House, Dovaston, Oswestry, Shropshire, SY10 8DP
01691 652 773 www.bright-associates.co.uk
Registered Practice 

Drawing: **AF1231-D12**



Key

-  Planning Permission Boundary as approved by ref. 2003/62/91691/W0 (8 June 2006) and amended by ref.2009/70/93289/W0 and 2015/70/90640/W0
-  Boundary for the application for a Certificate of Existing Use and Development (CLEUD)
-  Site survey data from May 2015, showing the extent of the operational quarry

Based upon the Ordnance Survey maps with the permission of the controller of His Majesty's Stationery Office, © Crown Copyright reserved. Licence number AR100019096.

Client: **JOHNSONS WELLFIELD** 

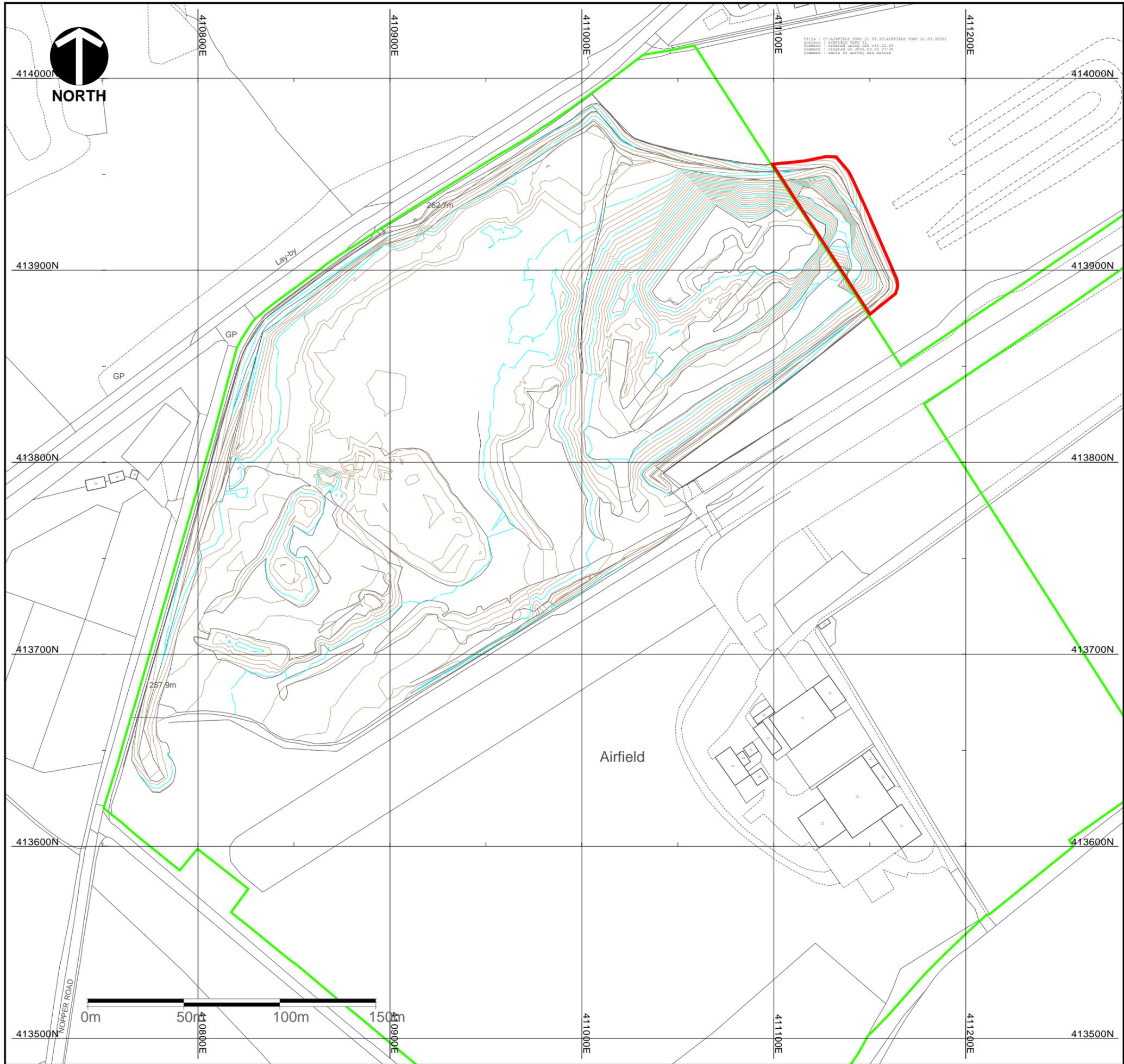
Project: **Application for a CLEUD at Airfield Quarry**

Title: **Topographic Site Survey dated May 2015**

B&A CAD Ref: AF1231-D11v2	Version: 2	Drawn by: RB	Scale @ A3: Plan 1:2000	Origin Date: June 2025 Amendment Date: -----
------------------------------	---------------	-----------------	----------------------------	-------------------------------------------------------

 **bright & associates**
landscape and environmental consultants
Fair Tree House, Dovaston, Oswestry, Shropshire, SY10 6DP
01691 652 773 www.bright-associates.co.uk
Registered Practice

Drawing:
AF1231-D11
Sheet 1 of 2



Key

-  Planning Permission Boundary as approved by ref. 2003/62/91691/W0 (8 June 2006) and amended by ref.2009/70/93289/W0 and 2015/70/90640/W0
-  Boundary for the application for a Certificate of Existing Use and Development (CLEUD)
-  Site survey data from March 2025, showing the extent of the operational quarry

Based upon the Ordnance Survey maps with the permission of the controller of His Majesty's Stationery Office, © Crown Copyright reserved. Licence number AR100019096.

Client: **JOHNSONS WELLFIELD** 

Project: **Application for a CLEUD at Airfield Quarry**

Title: **Topographic Site Survey dated March 2025**

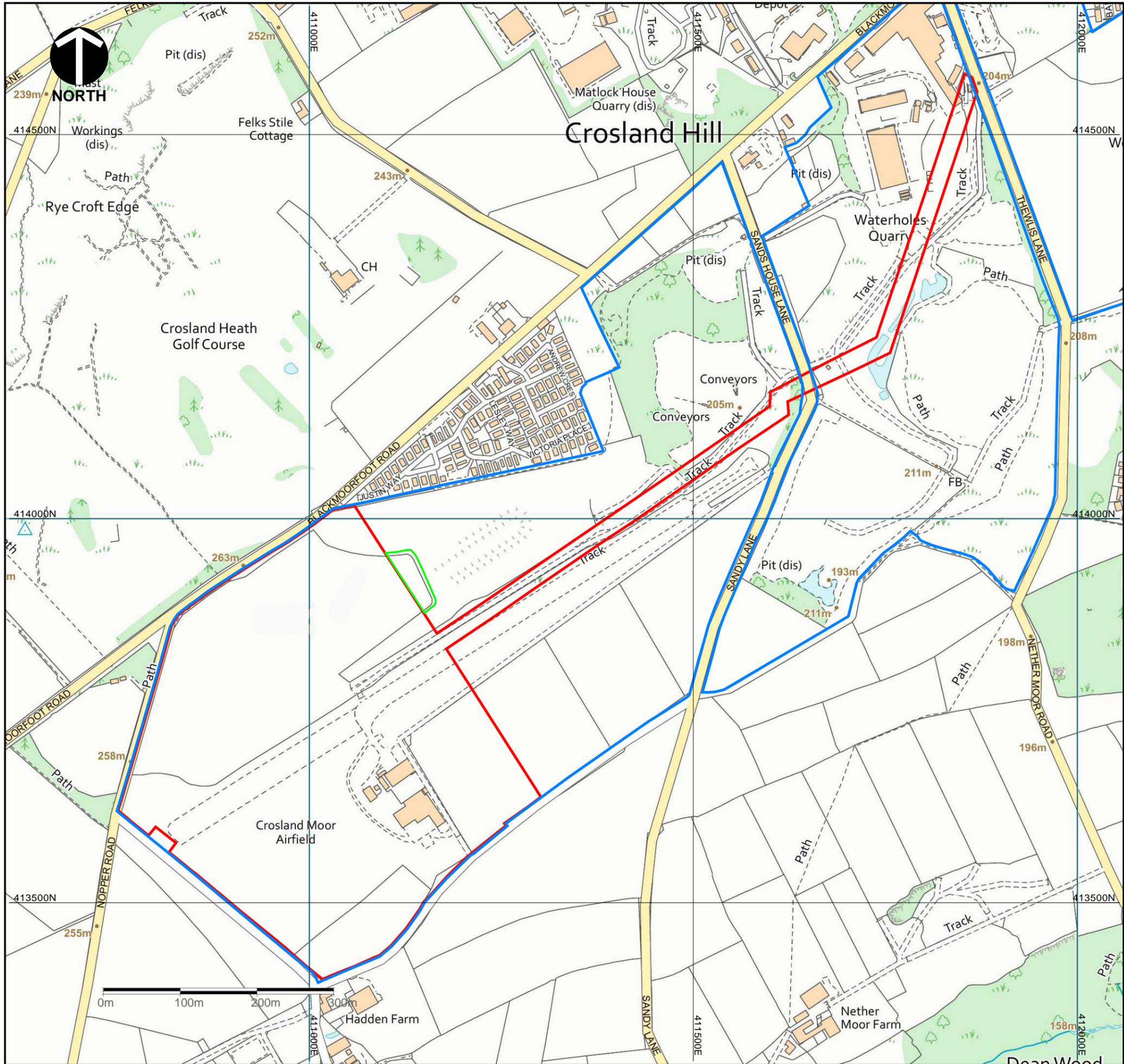
B&A CAD Ref: AF1231-D11v2	Version: 2	Drawn by: RB	Scale @ A3: Plan 1:2000	Origin Date: June 2025 Amendment Date: -----
------------------------------	---------------	-----------------	----------------------------	-------------------------------------------------------

 **bright & associates**
landscape and environmental consultants
Fair Tree House, Dovaston, Oswestry, Shropshire, SY10 6DP
01691 652 773 www.bright-associates.co.uk Registered Practice

Drawing:
AF1231-D11
Sheet 2 of 2

APPENDIX C1

Copy of Plan P1: Site Location Plan and Ownership Plan from the submitted Section 73 Application – Airfield Quarry Planning Statement (Bright & Associates, July 2025)



Key

- Planning Permission Boundary as approved (Ref 2009/93289/WO) and as amended (Ref 2015/90640/WO)
- Area of land within the control of the Applicant
- Boundary for the application for a Certificate of Existing Use and Development (CLEUD)

Based upon the Ordnance Survey maps with the permission of the controller of His Majesty's Stationery Office, © Crown Copyright reserved. Licence number AR100019096.

Client: JOHNSONS WELLFIELD				
Project: Airfield Quarry Amendment to Existing Planning Consent				
Title: Site Location Plan and Ownership Plan				
B&A CAD Ref:	Version:	Drawn by:	Scale @ A3:	Origin Date:
AF1231-D7v3	3	RB	Plan 1:5000	April 2025
				Amendment Date:

 landscape and environmental consultants Fair Tree House, Dovaston, Oswestry, Shropshire, SY10 8DP 01691 652 773 www.bright-associates.co.uk			Drawing: Plan P1	

bright & associates
landscape and environmental consultants

Pear Tree House Dovaston Oswestry Shropshire SY10 8DP
01691 682 773 info@bright-associates.co.uk www.bright-associates.co.uk

A Registered Practice of the Landscape Institute