



Application Number	
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Planning - PO Box 1720, Huddersfield, HD1 9EL
E-mail: planning.portal@kirklees.gov.uk Tel: 01484 414746

Application for a Lawful Development Certificate for a Proposed Use or Development 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

Applicant Details

Name/Company

Title

mr

First name

tyiab

Surname

sethi

Company Name

Tuition Time Hub

Address

Address line 1

28 Ash Street

Address line 2

Address line 3

Town/City

Huddersfield

County

Kirklees

Country

United Kingdom

Postcode

HD1 56HN

Are you an agent acting on behalf of the applicant?

Yes

No

Contact Details

Primary number

Secondary number

Fax number

Email address

Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

- Yes
 No

Does the proposal consist of, or include, a change of use of the land or building(s)?

- Yes
 No

Has the proposal been started?

- Yes
 No

Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

Certificate of Lawfulness (Proposed Use): Oak House, 89 Fitzwilliam Street, Huddersfield, HD1 5LG

This application is made under Section 192 of the Town and Country Planning Act 1990 for a Certificate of Lawfulness of Proposed Use.

The premises are currently in lawful office use falling within Class E(g) (offices) of the Town and Country Planning (Use Classes) Order 1987 (as amended). From at least 2009 until 2025, the building was occupied by Walker Singleton and consistently used as offices.

The proposed use is as a childcare centre, which falls within Class E(f) (day nursery/creche). As both the existing office use (E(g)) and the proposed childcare use (E(f)) are within the same Class E (Commercial, Business and Service) as defined by the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, the proposed use does not constitute a material change of use requiring planning permission.

This application therefore seeks a Lawful Development Certificate confirming that the proposed use of Oak House as a childcare centre is lawful.

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

To support this application for a Certificate of Lawfulness (Proposed Use), the following documents are submitted as evidence of the building's established office use (Class E(g)) prior to the proposed change to childcare use (Class E(f)):

Title Plan:

An up-to-date Ordnance Survey (OS) based plan at an identified scale (e.g., 1:1250 or 1:2500), clearly showing the application site edged in red and any other land in your ownership edged in blue, with a North arrow.

Google Street View / Google Maps Imagery (Dated Screenshots):

Dated screenshots from Google Street View / Google Maps Imagery covering the period from 2009 to the present day. Each screenshot should clearly show the property at Oak House, 89 Fitzwilliam Street, Huddersfield, HD1 5LG, and demonstrate its appearance consistent with office use, particularly focusing on visible signage (if any), windows, and general commercial presentation.

Ensure each image has a visible date stamp from Google, or explicitly state the date the image was taken if known.

Explanation of Images: A brief written statement accompanying these images, highlighting what each image depicts and how it supports the continuous office use (e.g., "Image dated [2009] shows 'Walker Singleton' signage clearly visible,").

Select the use class that relates to the existing or last use.

E(g)(i) - Offices - Except where not suitable in a residential area

Information about the proposed use(s)

Select the use class that relates to the proposed use.

E(f) - Creche, day nursery or day centre - Except where including a residential use

Is the proposed operation or use

- Permanent
 Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

A Lawful Development Certificate (LDC) should be granted for this proposal because the existing use of the property at Oak House, 89 Fitzwilliam Street, Huddersfield, HD1 5LG, as an office, is lawful due to its continuous and uninterrupted operation for a period exceeding ten years.

Specifically:

Continuous Use Exceeding 10 Years: The building has been in continuous and uninterrupted use as an office by Walker Singleton from at least 2009 until their departure in 2025. This constitutes a period of over 16 years of continuous use as an office.

Immunity from Enforcement: Under Section 171B(3) of the Town and Country Planning Act 1990, where there has been a material change of use of any building or land to use as a single dwellinghouse, or to any other use, without planning permission, no enforcement action may be taken after a period of ten years beginning with the date on which the breach occurred. As the existing office use has been continuous for well over this 10-year statutory period, it is now immune from enforcement action and is therefore lawful.

Compliance with Use Class E: The established use of the building as offices falls clearly within Class E(g) (offices) of the Town and Country Planning (Use Classes) Order 1987 (as amended), which further supports its lawful status within the current planning framework.

Absence of Enforcement Action or Abandonment: To the best of our knowledge, no planning enforcement action has ever been taken against this property in relation to its office use, nor has the use been abandoned at any point during this period. The recent vacation by Walker Singleton represents a change of tenancy, not an abandonment of the established lawful use class.

Therefore, based on the clear evidence of continuous office use for a period exceeding the statutory 10-year limit for enforcement immunity, a Lawful Development Certificate should be granted to formally confirm the lawfulness of the existing office use at the property.

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

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

Interest in the Land

Please state the applicant's interest in the land

- Owner
- Lessee
- Occupier
- Other

If Lessee or Occupier, please give details of the owner and state whether they have been informed in writing of this application

Landlord: OAK HOUSE INVESTMENTS LIMITED (Co. Regn. No. 10390992) of The East Wing, The Newhall, Newhall Way, Bradford BD5 8FF

Yea the landlord has been informed and is happy for us to put in this application.

Declaration

I/We hereby apply for Lawful development: Proposed 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

tyiab sethi

Date

31/07/2025

