



KIRKLEES COUNCIL

**TOWN AND COUNTRY PLANNING ACT 1990, SECTION 192
(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/92245/W

To: David Gibson,
The Appeals Guy
Bartle House, 9, Oxford Court
Manchester
M2 2WQ

For: J WOODHAMS, DIL SAFEHAVEN

FIRST SCHEDULE CERTIFICATE OF LAWFULNESS FOR PROPOSED CHANGE
OF USE FROM DWELLING (USE CLASS C3) TO
RESIDENTIAL CARE HOME (USE CLASS C2)
SECOND SCHEDULE 31A, York Avenue, Fartown, Huddersfield, HD2 2QU

**KIRKLEES COUNCIL HEREBY REFUSES TO CERTIFY THAT ON 08-AUG-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 WOULD BE LAWFUL WITHIN THE MEANING OF SECTION 192
OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED), FOR THE
FOLLOWING REASONS:**

On the balance of probabilities, the proposed use of the dwelling as a residential institute for 4 no. children and 3 no. support workers at any one time on a rota basis and/including a manager working office hours within the land edged red on the submitted location plan amounts to a material change of use from a Dwellinghouse (Class C3) to a Residential Institution (Class C2) as defined by the Use Classes Order 1987 (as amended).

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location plan	PP-14240175v1		8th August 2025
Existing site plan, elevations and floor plans	25-011 - P - 02		8th August 2025
Existing site plan and elevations and proposed floor plans	25-011 - P - 03		8th August 2025
Planning Statement	The Appeals Guy dated July 2025		8th August 2025

Development within a Coal Mining Area

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 Inspectorates website](https://www.planninginspectorates.gov.uk) . Further information on the Planning Appeal process can be found online at [the Planning Inspectorates website](https://www.planninginspectorates.gov.uk).
- (2) This decision is issued solely for the purpose of Section 192 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: **17-Oct-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**