



Application Number	
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KIRKLEES COUNCIL VALIDATION CHECKLIST	SUPPLY 1 COPY ONLY

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

Mark

Surname

Walder

Company Name

### Address

Address line 1

39A Greenhead Lane

Address line 2

Dalton

Address line 3

Town/City

Huddersfield

County

Kirklees

Country

United Kingdom

Postcode

HD5 8EE

Are you an agent acting on behalf of the applicant?

Yes

No

### Contact Details

Primary number

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

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

I would like to emphasise that the care home is no different to any other residential family home. Besides, the obvious difference in place of parents a team of highly specialised, qualified and experienced therapeutic staff will be responsible to care and safeguard the child 24 hours a day. The children will be residing in the home on a short to long-term basis. They will be treating the home as their own for the next several years. It's not a respite period or a short-term arrangement. In some cases, the placement can last up to adulthood. This is no different to other children living in their homes. It gives each child stability and the sense of living in a 'normal' home and been given the same opportunities offered to every other child in the form of living in a loving, caring, and nurturing environment.

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

I have already received the certificate of lawfulness (Application Number: 2025/CL/90663/W) The only change is I wanted to remove the names from the previous application and replace with my name on the new application. All else is exactly the same.

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

Change of use

### Information about the proposed use(s)

Select the use class that relates to the proposed use.

Change of use

Is the proposed operation or use

- Permanent  
 Temporary

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

As the care staff will work in shift patterns and therefore not reside full-time at the property it is accepted that a technical change of use from use class C3(a) to C2 will occur, however, given the nature of the activities associated with the use are those of the day to day functionality of a conventional residential dwelling/use, with the proposed use not leading to a greater difference in activity and disturbance to that which may be anticipated with any other conventional domestic household, it is not considered that it will amount to a material change. In support of this, the judge in the case of North Devon District Council v First Secretary of State [2003] concluded that children could not on their own be considered to constitute a fully functioning household without a resident carer living in the property full-time. As a consequence, it was decided that a change of use from C3 to C2 had occurred at the property. However, and importantly, it was also decided that whilst a change of use had occurred, it was not deemed to be a material change of use and that as such, planning permission was not required.

## 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

## 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

Mark Walder

Date

06/08/2025