KIRKLEES COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 191
(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/92908/W

To: Joseph Fisher
Johnson Mowat Planning Ltd
Coronet House
Queen Street
Leeds
LS1 2TW

For: MUSCLE BOUND GYM BRADFORD LTD

FIRST SCHEDULE CERTIFICATE OF LAWFULNESS FOR EXISTING USE OF THE BUILDING AS A GYM

SECOND SCHEDULE Ashbrow Mills, Ashbrow Road, Fartown, Huddersfield, HD2 1DU

KIRKLEES COUNCIL HEREBY REFUSES TO CERTIFY THAT ON 17-OCT-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 WAS LAWFUL WITHIN THE MEANING OF SECTION 191 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED), FOR THE FOLLOWING REASONS:

On the balance of probability, it is considered that the applicant has not provided sufficient evidence to demonstrate the existing use of Unit 8 & 9 or Yard B lawfully falls into Class E of Schedule 2 of the Use Classes Order 1987 (as amended).

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	Blackwell's Mapping Services		17th October 2025
Site Plan	Blackwell's Mapping Services		17th October 2025
Site Specific Plan	RS01A		2nd December 2025
Covering Letter with Appendices	Johnson Mowat		17th October 2025

Development within a Coal Mining Area

DEVELOPMENT LOW RISK AREA - STANDING ADVICE

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

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 Inspectorate website.
Further information on the Planning Appeal process can be found online at the Planning Inspectorates website.

(2) This decision is issued solely for the purpose of Section 191 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: 06-Jan-2026

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