



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/93202/E

To: A Muhammad
106, Upper Road
Batley
WF17 7LR

For: A MUHAMMAD

FIRST SCHEDULE CERTIFICATE OF LAWFULNESS FOR PROPOSED FOOD
BUSINESS WITHIN RESIDENTIAL DWELLING
SECOND SCHEDULE 106, Upper Road, Batley, WF17 7LR

KIRKLEES COUNCIL HEREBY REFUSES TO CERTIFY THAT ON 18-NOV-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:

The evidence provided by the applicant is imprecise and ambiguous and does not demonstrate that, on the balance of probabilities, the preparation of cooked foods/desserts for visiting members of the public (collections) and delivery driver(s) is ancillary to or does not lead to a material change of use of the dwellinghouse as defined by Section 55 of the Town and Country Planning Act 1990.

Plan Type	Reference	Version	Date Received
Application form	PP-14494998		19th November 2025
Location plan	PP-14494998v1		19th November 2025
Block plan	TQRQM25321212509654		19th November 2025

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](#) . 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 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: **21-Jan-2026**

Signed:

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

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**