



**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**

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**Application Number: 2025/CL/93269/W**

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To: Mark Walder  
39a, Greenhead Lane  
Dalton  
Huddersfield  
HD5 8EE

For: K & A BOOTH

FIRST SCHEDULE      CERTIFICATE OF LAWFULNESS FOR PROPOSED USE OF  
DWELLING AS CHILDREN'S HOME  
SECOND SCHEDULE    1A, Lydgate Drive, Lepton, Huddersfield, HD8 0EN

**KIRKLEES COUNCIL HEREBY REFUSES TO CERTIFY THAT ON 28-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:**

On the balance of probabilities, the occupation of the building at 1A, Lydgate Drive, Lepton, Huddersfield, HD8 0EN by 3 children aged 7-17 with care provided by staff, with 2 carers per shift working 3 shifts throughout a 24 hour period with a manager attending when intervention is required within the land in addition to visits from professionals/family within the land edged red on the submitted 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:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Application form	PP-14509200		1st December 2025
Location plan	PP-14509200v1		1st December 2025
Elevations and floor plans	PL02		1st December 2025
Management Plan			1st December 2025
Email	Confirming staffing details		5th December 2025
Email	Evidence of off-street parking		8th January 2026

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with the applicant in dealing with the application.

**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](mailto:dc.admin@kirklees.gov.uk) so that we can work on continually improving our customer service. Thank you.

Dated: **21-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**