



**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 (GENERAL DEVELOPMENT PROCEDURE)  
ORDER 2015: ARTICLE 39**

**CERTIFICATE OF LAWFUL USE OR DEVELOPMENT**

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**Application Number: 2026/CL/90557/E**

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**To:** Steven Hearn  
Concept Town Planning Ltd  
Concept House, 7, Scotland Street  
Ellesmere  
SY12 0DG

**For:** Matthew Creegan, Croftlands Care Home

**FIRST SCHEDULE** CERTIFICATE OF LAWFULNESS FOR EXISTING  
OPERATION TO ERECT AN EXTENSION FURTHER TO  
APPROVED DEVELOPMENT

**SECOND SCHEDULE** CROFTLANDS RESIDENTIAL HOME, 6, TURNSHAW ROAD,  
KIRKBURTON, HUDDERSFIELD, HD8 0TH

**KIRKLEES COUNCIL HEREBY CERTIFY THAT ON 20-MAR-2026 THE OPERATIONS DESCRIBED IN THE FIRST SCHEDULE THERETO IN RESPECT OF THE LAND SPECIFIED IN THE SECOND SCHEDULE HERETO AND EDGED RED ON THE PLANS ATTACHED TO THIS CERTIFICATE WERE LAWFUL WITHIN THE MEANING OF SECTION 191 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED), FOR THE FOLLOWING REASONS:**

Based on the information submitted and records held by the Council, the extension projecting from the north elevation of the original building is lawful for the purposes of planning control by virtue of Section 171B of the Town and Country Planning Act 1990 (as amended).

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application Form	PP-14339427		25th February 2026
Location Plan	PP-14339427v1		25th February 2026
Location Plan and Site Plan	1998025/S001		25th February 2026
Lower Ground Floor Plan	Redwood		25th February 2026
North and South Elevations	Redwood floor		25th February 2026
East and West Elevations	Redwood floor		25th February 2026
Basement Floor Plan	Elm		25th February 2026
Noth and South Elevations	Elm floor		25th February 2026
East and West Elevations	Elm floor		25th February 2026
Planning Statement	Concept Town Planning Ltd		25th February 2026

## Development within a Coal Mining Area

### DEVELOPMENT HIGH RISK AREA - INFORMATIVE NOTE

The proposed development lies within an area that has been defined by the Mining Remediation Authority as containing coal mining features at surface or shallow depth. These features may include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and former surface mining sites. Although such features are seldom readily visible, they can often be present and problems can occur, particularly as a result of new development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant land stability and public safety risks. As a general precautionary principle, the Mining Remediation Authority considers that the building over or within the influencing distance of a mine entry should be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure a suitable engineering design which takes account of all relevant safety and environmental risk factors, including mine gas and mine-water. Your attention is drawn to the Mining Remediation Authority Policy in relation to new development and mine entries available at:

[Building on or within the influencing distance of mine entries - GOV.UK](#)

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Mining Remediation Authority Permit. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Application forms for Mining Remediation Authority permission and further guidance can be obtained from The Mining Remediation Authority's website at:

<http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

[What is a permit and how to get one? - GOV.UK \(www.gov.uk\)](#)

**In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.**

**If any future development has the potential to encounter coal seams which require excavating, for example excavation of building foundations, service trenches, development platforms, earthworks, non-coal mineral operations, an Incidental Coal Agreement will be required. Further information regarding Incidental Coal Agreements can be found here -**

**<https://www.gov.uk/government/publications/incidental-coal-agreement/guidance-notes-for-applicants-for-incidental-coal-agreements>**

**If any coal mining features are unexpectedly encountered during development, this should be reported immediately to the Mining Remediation Authority on 0800 288 4242. Further information is available on the Mining Remediation Authority website at: [Mining Remediation Authority - GOV.UK](https://www.gov.uk/government/organisations/mining-remediation-authority)**

**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) This certificate is issued solely for the purpose of section 191 of the Town and Country Planning Act 1990 (as amended).
- (2) It certifies that the operations specified in the First Schedule taking place on the land described in the Second Schedule would be lawful on the specified date and, thus, was not liable to enforcement action under Section 172 of the 1990 Act on that date.
- (3) This certificate applies only to the extent of the operations described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any operation(s) which are materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
- (4) The effect of the certificate is also qualified by the proviso in Section 191 (6) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.
- (5) If the applicant is aggrieved by the decision of the Local Planning Authority to issue a certificate of lawfulness of development, for any part development applied for (including any modification or substitution of the description of the operations), s/he may appeal to the Secretary of State for the Environment 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 <https://www.gov.uk/planning-inspectorate>. Further information on the Planning Appeal process can be found online at the Planning

Inspectorates website <https://www.gov.uk/government/organisations/planning-inspectorate>.

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:** 29-Jun-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