



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: 2026/CL/90879/E

To: Natalie Garside,
ADP Architecture & Design
The Old Police Station
16, Bridge Lane
Holmfirth
HD9 7AN

For: P WHITTELL

FIRST SCHEDULE THE USE OF THE GARAGE AS AN ANCILLARY USE TO THE
HOST DWELLING

SECOND SCHEDULE THE GARAGE BUILDING

THIRD SCHEDULE	West Royd Farm, West Royd, Marsh Lane, Shepley, Huddersfield, HD8 8AY
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**KIRKLEES COUNCIL HEREBY REFUSES TO CERTIFY THAT ON 30-MAR-2026
THE OPERATIONS DESCRIBED IN THE FIRST SCHEDULE THERETO IN RESPECT
OF THE LAND SPECIFIED IN THE THIRD SCHEDULE HERETO AND EDGED RED
ON THE SUBMITTED PLANS WOULD BE LAWFUL WITHIN THE MEANING OF**

SECTION 191 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED), FOR THE FOLLOWING REASONS:

The structure is outside of domestic curtilage (as demonstrated by the red line boundary on previous planning applications) and therefore its 'use' as an ancillary use to the host dwelling is not immune from enforcement action as it has not been demonstrated that the land in which the building is located is immune from enforcement action either via the 10 year enforcement immunity or by a planning permission to change the use of the land.

KIRKLEES COUNCIL HEREBY CERTIFIES THAT ON 30-Mar-2026 THE OPERATIONS DESCRIBED IN THE SECOND SCHEDULE THERETO IN RESPECT OF THE LAND SPECIFIED IN THE THIRD SCHEDULE HERETO AND EDGED RED ON THE SUBMITTED PLANS WOULD BE 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, it has been demonstrated that the building is lawful for the purposes of planning control by virtue of Sections 191 & 171B of the Town and Country Planning Act 1990 (as amended) and The Planning Act 2008 (Commencement No. 8) and Levelling up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024.

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 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: **01-Jul-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**