

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) Section 191/192

**DELEGATED DECISION FOR APPLICATION FOR CERTIFICATE OF
LAWFUL DEVELOPMENT**

Reference no.: 2026/CL/91100/W

Site: 48, Crosland Fold, Lindley, Huddersfield, HD3
3WR

Description: Certificate of lawfulness for existing single storey
rear extension

Case Officer: Laura Yeadon

Decision Reference: EXISTING OPERATIONS GRANTED

I hereby authorise the approval of this application for the reasons set out in the officer's report and recommendation annexed below in respect of the above matter.

John Holmes

AUTHORISED OFFICER

Date 16-Jun-2026

Officer Report

[Weblink](#)

Reference: 2026/91100

Applicant: Asim Javaid

Location: 48, Crosland Fold, Lindley, Huddersfield, HD3 3WR

Proposal: Certificate of lawfulness for existing single storey rear extension

Site description:

48 Crosland Fold is a detached dwelling located within an area without notation within the Kirklees Local Plan. The property is a modern property which is stone faced with a tiled roof. The property hosts a small lawned area to the front alongside a double width drive which leads to an integral garage and to the rear is an enclosed garden area where a single storey extension is located.

Description of development:

The application seeks a Certificate of Lawful Development for the existing single storey rear extension. The details within the application form and the Planning Statement indicate that the extension was substantially completed in or around April 2021, with no enforcement action taken and therefore, as the development was completed prior to 25th April 2024, it benefits from the provision introduced by the Levelling-up and Regeneration Act 2023, meaning the four year rule for enforcement action to be undertaken applies.

Representations:

We are currently undertaking statutory publicity requirements, as set out at Table 1 and Table 2 in the Kirklees Development Management Charter.

This application has been available on the Kirklees Website for public view.

No comments have been received.

Consultation responses:

No consultations were deemed necessary for this proposal as it is an application for a Lawful Development Certificate.

Relevant Policy/Legislation:

The Town and Country Planning (General Permitted Development) (England) Order 2015

Assessment:

Section 191(1) of the Town and Country Planning Act 1990 (“the Act”) permits any person who wishes to ascertain whether any operations or existing use of buildings or other land would be lawful to make an application to the Local Planning Authority.

Section 191(2) of the Act provides that uses are lawful if:

1. No enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for taking enforcement action has expired or for any other reason);
1. They did not constitute the contravention of any of the requirements of any enforcement notice then in force.

For the purposes of the Act a use is lawful at any time if no enforcement action may then be taken against the use, and the use does not contravene the requirements of any enforcement notice then in force. Section 191(2) (b) states that the inability to take enforcement action may come about because the use did not involve development, or because it did not require planning permission, or because the time for taking enforcement action has expired.

Prior to 25th April 2024 the time period in which enforcement action should be taken for operational development was 4 years. Transitional arrangements provided that if operational development was substantially completed prior to the 25th April 2024 then 4 years continued to apply to that development.

The relevant Test:

The burden of proof lies firmly with the Applicant and the relevant test for whether the operations can be deemed lawful is the ‘balance of probability’.

The applicant’s evidence does not need to be corroborated by ‘independent’ evidence. If the Local Planning Authority has no evidence of their own, or from others, to contradict or otherwise make the Applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous to justify the granting of a certificate on the balance of probability.

Limitations:

The LDC must contain precise details of what use or operation are found to be lawful, why and when. The details will not be legally equivalent to a planning condition or limitation. They will be a point of reference specifying what was lawful at a particular date, against which any subsequent change may be assessed. If the use subsequently intensifies or changes in some way to the point where a ‘material’ change of use takes place, Local Planning Authority may then consider further development has taken place.

Relevant Planning History:

2009/92550 – Outline application for erection of Data Campus and formation of new access from Lindley Moor Road – *Refused – Appeal withdrawn*

2011/91518 - Outline application for erection of Data Centre Campus with formation of new access from Lindley Moor Road including demolition of Peat Ponds Farm and Haigh Cross Farm – *Section 106 Outline Permission*

2014/93136 - Demolition of existing buildings, Outline application for Industrial Development (Class B1c B2 or B8) Plot A - (160,000sq ft./14,864 sqm) with engineering works to form development plateaux, formation of access from Lindley Moor Road, provision of services and drainage infrastructure. Erection of industrial unit. Plot B - (50,000sqft/ 4648 sqm) unit access from Crosland Road Detailed application (Plot C) for residential development of 252 dwellings with access from Crosland Road, engineering works to create underground drainage attenuation, provision of open space and landscaping - *Section 106 Outline Permission*

2015/91851 - Discharge conditions 10, 12, 13, 16, 17, 30, 33, 34, 35, 36 on previous permission 2014/93136 for demolition of existing buildings, outline application for industrial development (class B1c B2 or B8) plot A - (14,864 sqm) with engineering works to form development plateaux, formation of access from Lindley Moor Road, provision of services and drainage infrastructure. Erection of industrial unit. Plot B - (4648 sqm) unit access from Crosland Road Detailed application (Plot C) for residential development of 252 dwellings with access from Crosland Road, engineering works to create underground drainage attenuation, provision of open space and landscaping – *Split Decision*

2015/92065 - Discharge of conditions 18 (highways scheme), 20 (travel plan), 21 (remediation strategy), and 27 (drainage) on previous permission 2014/93136 for Demolition of existing buildings, Outline application for Industrial Development (Class B1c B2 or B8) Plot A - (160,000sq ft./14,864 sqm) with engineering works to form development plateaux, formation of access from Lindley Moor Road, provision of services and drainage infrastructure. Erection of industrial unit. Plot B - (50,000sqft/ 4648 sqm) unit access from Crosland Road Detailed application (Plot C) for residential development of 252 dwellings with access from Crosland Road, engineering works to create underground drainage attenuation, provision of open space and landscaping – *not yet determined – pending consideration*

2015/92203 - Discharge condition 8 (fencing) on previous permission 2014/93136 for demolition of existing buildings, Outline application for Industrial Development (Class B1c B2 or B8) Plot A - (160,000sq ft./14,864 sqm) with engineering works to form development plateaux, formation of access from Lindley Moor Road, provision of services and drainage infrastructure. Erection of industrial unit. Plot B - (50,000sqft/ 4648 sqm) unit access from Crosland Road Detailed application (Plot C) for residential development of 252 dwellings with access from Crosland Road, engineering

works to create underground drainage attenuation, provision of open space and landscaping – *Approved*

2015/93376 - Discharge condition 32 (drainage) on previous permission 2014/93136 for demolition of existing buildings, outline application for industrial development (class B1C, B2 or B8) plot A - (160,00sqft./14,864sqm) with engineering works to form development plateaux, formation of access from Lindley Moor Road, provision of services and drainage infrastructure. Erection of industrial unit. Plot B - (50,000sqft/4,648sqm) unit access from Crosland Road detailed application (plot C) for residential development of 252 dwellings with access from Crosland Road, engineering works to create underground drainage attenuation, provision of open space and landscaping – *Approved*

2015/93371 - Discharge of conditions 10 (phasing plan and construction management plan) 12 (boundary treatments) 13 (Landscaping) 16 (car charging) 17 (bird nesting & bat roosting) 33 & 34 (landscaping) 35 (phasing plan & construction management plan) on previous permission 2014/93136 for demolition of existing buildings, Outline application for Industrial Development (Class B1c B2 or B8) Plot A - (160,000sq ft./14,864 sqm) with engineering works to form development plateaux, formation of access from Lindley Moor Road, provision of services and drainage infrastructure. Erection of industrial unit. Plot B - (50,000sqft/ 4648 sqm) unit access from Crosland Road. Detailed application (Plot C) for residential development of 252 dwellings with access from Crosland Road, engineering works to create underground drainage attenuation, provision of open space and landscaping. – *Split Decision*

2015/94116 - Discharge of condition 31 on previous planning permission 2014/93136 for demolition of existing buildings, Outline application for Industrial Development (Class B1c B2 or B8) Plot A - (160,000sq ft./14,864 sqm) with engineering works to form development plateaux, formation of access from Lindley Moor Road, provision of services and drainage infrastructure. Erection of industrial unit. Plot B - (50,000sqft/ 4648 sqm) unit access from Crosland Road – *not yet determined – pending consideration*

2016/90122 - Non Material Amendment to previous permission 2014/93136 for demolition of existing buildings, Outline application for Industrial Development (Class B1c B2 or B8) Plot A - (160,000sq ft./14,864 sqm) with engineering works to form development plateaux, formation of access from Lindley Moor Road, provision of services and drainage infrastructure. Erection of industrial unit. Plot B - (50,000sqft/ 4648 sqm) unit access from Crosland Road Detailed application (Plot C) for residential development of 252 dwellings with access from Crosland Road, engineering works to create underground drainage attenuation, provision of open space and landscaping – *Approved*

2016/90609 - Discharge of conditions 5-7, 21-24, 27 and 30-36 on previous permission 2014/93136 demolition of existing buildings, Outline application for Industrial Development (Class B1c B2 or B8) Plot A - (160,000sq ft./14,864

sqm) with engineering works to form development plateaux, formation of access from Lindley Moor Road, provision of services and drainage infrastructure. Erection of industrial unit. Plot B - (50,000sqft/ 4648 sqm) unit access from Crosland Road – *Split Decision*

2016/90613 - Reserved matters application for erection of industrial unit on plot A (Plot A1) comprising 6039 sqm for B2 and B8 uses together with 85 parking spaces, service yard and landscaping pursuant to planning permission 2014/93136 for demolition of existing buildings, outline application for industrial development (Class B1c B2 or B8) plot A - 14,864 sqm with engineering works to form development plateaux, formation of access from Lindley Moor Road, provision of services and drainage infrastructure. Erection of industrial unit. Plot B - 4648 sqm unit access from Crosland Road, detailed application (Plot C) for residential development of 252 dwellings with access from Crosland Road, engineering works to create underground drainage attenuation, provision of open space and landscaping – *Approval of Reserved Matters*

2016/91646 - Non Material Amendment to previous permission 2016/90613 for Reserved matters application for erection of industrial unit on plot A (Plot A1) comprising 6039 sqm for B2 and B8 uses together with 85 parking spaces, service yard and landscaping pursuant to planning permission 2014/93136 for demolition of existing buildings, outline application for industrial development (Class B1c B2 or B8) plot A - 14,864 sqm with engineering works to form development plateaux, formation of access from Lindley Moor Road, provision of services and drainage infrastructure. Erection of industrial unit. Plot B - 4648 sqm unit access from Crosland Road, detailed application (Plot C) for residential development of 252 dwellings with access from Crosland Road, engineering works to create underground drainage attenuation, provision of open space and landscaping – *Approved*

2016/92040 - Discharge of condition 9 (facing and roofing materials) on previous permission 2016/90613 for reserved matters application for erection of industrial unit on plot A (Plot A1) comprising 6039 sqm for B2 and B8 uses together with 85 parking spaces, service yard and landscaping pursuant to planning permission 2014/93136 for demolition of existing buildings, outline application for industrial development (Class B1c B2 or B8) plot A - 14,864 sqm with engineering works to form development plateaux, formation of access from Lindley Moor Road, provision of services and drainage infrastructure. Erection of industrial unit. Plot B - 4648 sqm unit access from Crosland Road, detailed application (Plot C) for residential development of 252 dwellings with access from Crosland Road, engineering works to create underground drainage attenuation, provision of open space and landscaping – *Approved*

2016/92999 - Non material amendment to previous permission 2016/90613 for reserved matters application for erection of industrial unit on plot A (Plot A1) comprising 6039 sqm for B2 and B8 uses together with 85 parking spaces, service yard and landscaping pursuant to planning permission 2014/93136 for demolition of existing buildings, outline application for

industrial development (Class B1c B2 or B8) plot A - 14,864 sqm with engineering works to form development plateaux, formation of access from Lindley Moor Road, provision of services and drainage infrastructure. Erection of industrial unit. Plot B - 4648 sqm unit access from Crosland Road, detailed application (Plot C) for residential development of 252 dwellings with access from Crosland Road, engineering works to create underground drainage attenuation, provision of open space and landscaping – *Approved*

2016/92017 - Discharge of condition 15 (Noise) on previous application 2014/93136 for demolition of existing buildings, Outline application for Industrial Development (Class B1c B2 or B8) Plot A - (160,000sq ft./14,864 sqm) with engineering works to form development plateaux, formation of access from Lindley Moor Road, provision of services and drainage infrastructure. Erection of industrial unit. Plot B - (50,000sqft/ 4648 sqm) unit access from Crosland Road Detailed application (Plot C) for residential development of 252 dwellings with access from Crosland Road, engineering works to create underground drainage attenuation, provision of open space and landscaping – *Split Decision*

2016/93132 - Discharge conditions 3 (travel plan), 7 (access/parking/turning), 8 (access control gate) on previous permission 2016/90613 for Reserved matters application for erection of industrial unit on plot A (Plot A1) comprising 6039 sqm for B2 and B8 uses together with 85 parking spaces, service yard and landscaping pursuant to planning permission 2014/93136 for demolition of existing buildings, outline application for industrial development (Class B1c B2 or B8) plot A - 14,864 sqm with engineering works to form development plateaux, formation of access from Lindley Moor Road, provision of services and drainage infrastructure. Erection of industrial unit. Plot B - 4648 sqm unit access from Crosland Road, detailed application (Plot C) for residential development of 252 dwellings with access from Crosland Road, engineering works to create underground drainage attenuation, provision of open space and landscaping – *Approved*

2016/93341 - Non Material Amendment to previous permission 2016/90613 for Reserved matters application for erection of industrial unit on plot A (Plot A1) comprising 6039 sqm for B2 and B8 uses together with 85 parking spaces, service yard and landscaping pursuant to planning permission 2014/93136 for demolition of existing buildings, outline application for industrial development (Class B1c B2 or B8) plot A - 14,864 sqm with engineering works to form development plateaux, formation of access from Lindley Moor Road, provision of services and drainage infrastructure. Erection of industrial unit. Plot B - 4648 sqm unit access from Crosland Road, detailed application (Plot C) for residential development of 252 dwellings with access from Crosland Road, engineering works to create underground drainage attenuation, provision of open space and landscaping – *Approved*

2016/93390 - Discharge conditions 5-7, 21-24, 27, 30-36 on previous permission 2014/93136 for Demolition of existing buildings, Outline application for Industrial Development (Class B1c B2 or B8) Plot A - (160,000sq ft./14,864 sqm) with engineering works to form development plateaux, formation of

access from Lindley Moor Road, provision of services and drainage infrastructure. Erection of industrial unit. Plot B - (50,000sqft/ 4648 sqm) unit access from Crosland Road Detailed application (Plot C) for residential development of 252 dwellings with access from Crosland Road, engineering works to create underground drainage attenuation, provision of open space and landscaping – *Approved*

2016/94091 - Non Material Amendment to previous permission 2016/90613 for reserved matters application for erection of industrial unit on plot A (Plot A1) comprising 6039 sqm for B2 and B8 uses together with 85 parking spaces, service yard and landscaping pursuant to planning permission 2014/93136 for demolition of existing buildings, outline application for industrial development (Class B1c B2 or B8) plot A - 14,864 sqm with engineering works to form development plateaux, formation of access from Lindley Moor Road, provision of services and drainage infrastructure. Erection of industrial unit. Plot B - 4648 sqm unit access from Crosland Road, detailed application (Plot C) for residential development of 252 dwellings with access from Crosland Road, engineering works to create underground drainage attenuation, provision of open space and landscaping – *Approved*

2018/91059 - Non Material Amendment on previous application 2014/93136 for demolition of existing buildings, outline application for industrial development (class B1c B2 or B8) plot A - (160,000sq ft./14,864 sqm) with engineering works to form development plateaux, formation of access from Lindley Moor Road, provision of services and drainage infrastructure; erection of industrial unit; plot B - (50,000sqft/ 4648 sqm) unit access from Crosland Road; detailed application (plot C) for residential development of 252 dwellings with access from Crosland Road, engineering works to create underground drainage attenuation, provision of open space and landscaping – *Refused*

2018/91466 - Discharge condition 36 (off-site works) on previous permission 2014/93136 for demolition of existing buildings, Outline application for Industrial Development (Class B1c B2 or B8) Plot A - (160,000sq ft./14,864 sqm) with engineering works to form development plateaux, formation of access from Lindley Moor Road, provision of services and drainage infrastructure. Erection of industrial unit. Plot B - (50,000sqft/ 4648 sqm) unit access from Crosland Road Detailed application (Plot C) for residential development of 252 dwellings with access from Crosland Road, engineering works to create underground drainage attenuation, provision of open space and landscaping – *Pending consideration – not yet determined*

Evidence submitted in support of the application:

- Application form – ref: PP-14873858
- Location plan – ref: PP-14873858v1
- Site plan and location plan – ref: HD.20.44.LP.01
- Final Certificate – Assent Building Control – dated 20/08/2021
- Planning Statement – ref: Carter-Smith Planning Consultants

Evidence submitted against the application:

No evidence against the application has been submitted.

Evidence obtained from Council Records and other sources:

- Council's mapping system (Kompass)
- Google Maps
- Information available on the internet
- Historic planning history files

Site visit:

No site visit has been undertaken.

Assessment:

The application has been submitted by the applicant on the basis that the existing single storey rear extension is lawful by virtue of the passage of time and is therefore immune from enforcement action.

Having considered the historical decision notice for the outline permission granted under planning reference 2014/93136 and subsequent reserved matters application under reference 2016/90613 it has been established that no conditions were imposed which restricted development to extend the residential dwellings and therefore, the development undertaken to extend the application site dwelling is not in breach of any condition historically imposed.

Therefore, the application relates to Section 191 of the Town and Country Planning Act 1990 in relation to an existing use, operation or activity as the single storey extension has been constructed. Information held on the internet demonstrates that the extension is fully occupied as accommodation for the host dwelling.

In this case, the single storey extension was constructed without the benefit of any planning permission for its construction. Therefore, an assessment needs to be made as to whether the structure is immune from enforcement action.

Current legislation states that in terms of time limits for enforcement action The Levelling-up and Regeneration Act 2023 amended the Town and Country Planning Act 1990 (section 171B) to update the time limits within which local planning authorities can take planning enforcement action against breaches of planning control.

When this change was enacted, transitional measures were introduced as to when the breach of planning control took place. Pertinent to this application is when the works commenced and were substantially completed. The transitional measures state that if the breach took place prior to 25th April 2024, operational development relating to building, engineering or mining then

enforcement action can no longer be taken from four years, beginning the date where the operations were substantially completed. There is no record of any enforcement action being undertaken by the Local Planning Authority with regard to this particular development.

Information contained within the application form and Planning Statement states that the single storey rear extension was substantially completed in or around April 2021 and has remained in continuous use as part of the dwellinghouse since that time. A Final Certificate has also been submitted stating that the work to construct a single storey rear extension confirms that the works were granted the Certificate issued by Assent Building Control dated 20th August 2021.

Aerial imagery has been included within the Planning Statement demonstrating that there was no physical construction works for the extension were evidence on 15th May 2019. However, further imagery dated 23rd April 2021 and 15th June 2021 clearly demonstrates that the extension is in situ and appears to be substantially completed in 2021. This information is verified by information held by and available to the Local Planning Authority.

The time limits for taking enforcement action are set out in section 171B of the Town and Country Planning Act 1990 as amended by the Levelling-up and Regeneration Act 2023 (Commencement No. 4 and Transitional Provisions) Regulations 2024 for transitional arrangements).

The transitional arrangements set out that the amendments made to the 1990 Act by section 115 of the 2023 Act (time limits for enforcement) do not apply where in relation to a breach of planning control referred to in sections 171B(1) & (2) of the 1990 Act (time limits), the breach occurred before the day on which that section comes into force.

In this case the breach is considered to have occurred in August 2021. In the absence of enforcement action having been undertaken within 4 years of substantial completion for a breach of planning control consisting of operational development where substantial completion took place before 25 April 2024, it is concluded that on the balance of probability the development the subject of this certificate is immune from enforcement action being able to be undertaken.

Therefore, given that the applicant has demonstrated that on the balance of probabilities the likelihood is that the works to construct the extension were substantially completed by August 2021 (as demonstrated by the issued Final Certificate) it is considered that immunity from enforcement action was gained in August 2025 and is now lawful for the purposes of planning control.

Conclusion:

Based on the information submitted and information available to the Council, the single storey extension projecting from the south-east elevation of the dwellinghouse 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.

Recommendation: Grant Certificate

Decision Authorisation: - Delegated Powers

Application number: 2026/91100

Reason:

Based on the information submitted and information available to the Council, the single storey extension projecting from the south-east elevation of the dwellinghouse 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.

Plans and Specifications:

Plan Type	Reference	Version	Date Received
Application form	PP-14873858		21 st April 2026
Location plan	PP-14873858v1		21 st April 2026
Location plan and site plan	HD.20.44.LP.01		21 st April 2026
Final Certificate	Assent Building Control ref: HW208895		21 st April 2026
Planning Statement	Carter-Smith Planning Consultants		21 st April 2026