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| Application Number                       |                    |
| Date Logged                              |                    |
| Receipt No                               | Fee Received       |
| Card                                     | Other              |
| KIRKLEES COUNCIL<br>VALIDATION CHECKLIST | SUPPLY 1 COPY ONLY |

Planning - PO Box 1720, Huddersfield, HD1 9EL  
E-mail: [planning.portal@kirklees.gov.uk](mailto:planning.portal@kirklees.gov.uk) Tel: 01484 414746

## Application for a Lawful Development Certificate for an Existing Use or Operation or Activity, including those in breach of a planning condition

### Town and Country Planning Act 1990 (as amended)

#### Publication of applications on planning authority websites

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

### Site Location

**Disclaimer:** We can only make recommendations based on the answers given in the questions.

If you cannot provide a postcode, the description of site location must be completed. Please provide the most accurate site description you can, to help locate the site - for example "field to the North of the Post Office".

Number

Suffix

Property Name

Address Line 1

Address Line 2

Address Line 3

Town/city

Postcode

Description of site location must be completed if postcode is not known:

Easting (x)  Northing (y)

Description

## Applicant Details

### Name/Company

Title

MR

First name

ARON

Surname

Cross

Company Name

### Address

Address line 1

57 Westfield Lane

Address line 2

Emley

Address line 3

Town/City

Emley, Huddersfield

County

West Yorkshire

Country

GB

Postcode

HD8 9TD

Are you an agent acting on behalf of the applicant?

Yes

No

### Applicant Contact Details

Primary number

\*\*\*\*\* REDACTED \*\*\*\*\*

Secondary number

\*\*\*\* REDACTED \*\*\*\*

Fax number

Email address

\*\*\*\* REDACTED \*\*\*\*

## Reason for Lawful Development Certificate

Please indicate why you are applying for a lawful development certificate

- An existing use
- Existing building works
- An existing use, building work or activity in breach of a condition

**Being a use, building works or activity which is still going on at the date of this application.**

## Description of Existing Use, Building Works or Activity

Please fully describe each existing use, building works or activity for which you want the lawful development certificate. Where appropriate, show to which part of the land each use, building works or activity relates

The application relates to a detached domestic garage located to the rear of the dwelling at 57 Westfield Lane, Emley, HD8 9TD. The building is situated within the residential curtilage of the dwellinghouse and is used for purposes incidental to the enjoyment of the dwelling.

The garage is positioned more than 2 metres from any boundary. The eaves height does not exceed 2.5 metres and the overall ridge height does not exceed 4 metres with a dual pitched roof.

The structure is not located forward of the principal elevation of the dwellinghouse and the total area of buildings within the curtilage does not exceed 50% of the total curtilage area.

The property is not a listed building and is not located within a conservation area. Permitted development rights have not been removed.

The development is considered lawful under permitted development rights as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015.

## Grounds for application for a Lawful Development Certificate

Under what grounds is the certificate being sought

*Where the use, building works or activity began before 25 April 2024*

- The use began more than 10 years before the date of this application
- The use, building works or activity in breach of condition began more than 10 years before the date of this application
- The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years
- The building works (for instance, building or engineering works) were substantially completed more than four years before the date of this application.
- The change of use to use as a single dwelling house began more than four years before the date of this application.
- Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

*Where the use, building works or activity began on or after 25 April 2024*

- The use, building works or activity began more than 10 years before the date of this application.
- The use began within the last 10 years, as a result of a change of use not requiring planning permission, and there has not been a change of use requiring planning permission in the last 10 years.
- Other - please specify (this might include claims that the change of use or building work was not development, or that it benefited from planning permission granted under the Act or by the General Permitted Development Order).

Is the certificate being sought for a use, operation, or activity in breach of a condition or limitation?

- Yes
- No

Please state why a Lawful Development Certificate should be granted

Certificate of Lawfulness Statement

Site Address: 57 Westfield Lane, Emley, HD8 9TD

I confirm that the detached garage at the above property is lawful development under permitted development rights set out in Town and Country Planning (General Permitted Development) (England) Order 2015.

The garage is located within the residential curtilage of the dwellinghouse and is positioned to the rear of the original principal elevation.

The development complies with the relevant limitations and conditions as follows:

The structure is more than 2 metres from any boundary

The eaves height does not exceed 2.5 metres

The overall height does not exceed 4 metres with a dual pitched roof

The building is not forward of the principal elevation of the original dwellinghouse

The total area of outbuildings does not exceed 50% of the curtilage

The building is incidental to the enjoyment of the dwellinghouse as a domestic garage

The property is not a listed building and is not located within a conservation area. Permitted development rights have not been removed.

Building Regulations approval has been obtained and is submitted in support of this application.

The building was completed prior to April 2022 (in excess of 4 years) and has been in constant use without objection.

Accordingly, the development constitutes lawful development and a Certificate of Lawfulness is sought.

## Information in support of a Lawful Development Certificate

When was the use or activity begun, or the building works substantially completed (date must be pre-application submission)?

01-04-2022

In the case of an existing use or activity in breach of conditions has there been any interruption?

- Yes
- No

In the case of an existing use of land, has there been any material change of use of the land since the start of the use for which a certificate is sought?

- Yes
- No

### Residential Information

Does the application for a certificate relate to a residential use where the number of residential units has changed?

- Yes
- No

### Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

- Yes
- No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent
- The applicant
- Other person

### Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

- Yes
- No

### Interest in the Land

Please state the applicant's interest in the land

- Owner
- Lessee
- Occupier
- Other

### Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

Yes

No

## Declaration

I/We hereby apply for Lawful development: Existing use as described in the questions answered, details provided, and the accompanying plans/drawings and additional information.

I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

I/We also accept that, in accordance with the Planning Portal's terms and conditions:

- Once submitted, this information will be made available to the Local Planning Authority and, once validated by them, be published as part of a public register and on the authority's website;
- Our system will automatically generate and send you emails in regard to the submission of this application.

I / We agree to the outlined declaration

Signed

ARON Cross

Date

29/04/2026