

PLANNING & HERITAGE STATEMENT

Application for a Certificate of Lawful Existing Use or Development (CLEUD)

Existing Ground Floor Self-Contained Flat

120 Halifax Old Road, Birkby, Huddersfield, HD2 2RW

1. Introduction

This application is made pursuant to **Section 191 of the Town and Country Planning Act 1990** and seeks a **Certificate of Lawful Existing Use or Development (CLEUD)** in respect of the existing **ground floor self-contained residential flat** at 120 Halifax Old Road, Birkby, Huddersfield.

The application does **not** seek planning permission for any operational development, extension, alteration or change to the building.

Its sole purpose is to establish the lawful status of the existing ground floor self-contained flat through the passage of time.

2. Site Description

The application property comprises a traditional stone-built mid-terrace dwelling situated on Halifax Old Road within the Birkby Conservation Area, Huddersfield.

The building currently comprises four self-contained residential flats.

The application relates solely to the existing **ground floor flat**, as identified on the submitted drawings.

3. Planning History

The planning history of the property is relevant to this application and may be summarised as follows:

A revised application was subsequently approved under Planning Application **2004/62/95179/W2**, granting permission for the conversion of the property into **three self-contained apartments**.

The approved drawings clearly identify:

- Apartment 1 – Basement
- Apartment 2 – First Floor
- Apartment 3 – Second Floor (Loft)

No ground floor apartment formed part of the approved planning permission.

Following completion of the approved development, the property was subsequently configured and occupied as four self-contained residential flats.

Building Regulations approval was later granted for the conversion of the property into four self-contained apartments, confirming that the physical conversion was completed.

4. Scope of this Application

Planning permission already exists for the basement, first-floor and second-floor apartments under Planning Permission **2004/62/95179/W2**.

Accordingly, this application **does not seek to certify the entire building**.

Instead, it relates **solely to the existing ground floor self-contained flat**, which was not included within the approved 2004 planning permission.

The purpose of this application is therefore limited to establishing the lawfulness of the existing ground floor flat by virtue of its continuous use over a period substantially exceeding the statutory period for enforcement.

5. Existing Use

The existing ground floor flat has operated continuously as an independent self-contained residential unit for many years.

The accommodation provides independent residential facilities including living accommodation, kitchen and bathroom facilities and forms a separate residential unit.

The application is to confirm the lawful status of an established existing use.

6. Evidence Supporting the Application

A long-established use of the ground floor flat is supported with evidence to include:

- Approved Planning Permission dated 2004.
- Approved Planning Drawings identifying the three approved apartments.
- Building Regulations Approval and Completion records confirming conversion into four self-contained apartments.
- Council Tax records identifying four separately assessed residential flats
- Whitegates Estate Agents confirmation of the long-term management and letting of the property.
- Existing floor plans.
- Existing elevations.
- Existing site plan.
- Site photographs.

Taken together, this evidence demonstrates, on the balance of probability, that the existing ground floor flat has been occupied continuously as an independent self-contained residential unit for a period well in excess of the statutory immunity period.

The owner is not aware of any neighbour complaints, enforcement notices or breach of condition notices relating to the existing ground floor flat.

7. Planning Assessment

The existing use through the passage of time demonstrates that the ground floor flat has existed continuously as a self-contained residential unit for substantially longer than the statutory period during which enforcement action could have been taken.

Accordingly, the use has become lawful.

8. Heritage Statement

The property lies within the **Birkby Conservation Area**.

This application does not propose:

- any extension;
- any demolition;
- any alteration to the building;
- any replacement of windows or doors;
- any changes to the roof;
- any changes to the external appearance of the property.

The application simply seeks confirmation of an established existing residential use.

Accordingly, the proposal preserves the character and appearance of the Birkby Conservation Area and gives rise to **no heritage impact**.

9. Conclusion

Planning permission has previously been granted for three self-contained apartments within the property.

This application relates solely to the existing ground floor self-contained flat, which has been occupied continuously for a period substantially exceeding the statutory immunity period.

The documentary evidence submitted, including Building Regulations records, Council Tax records, long-term letting evidence and approved planning history, demonstrates on the balance of probability that the use has become lawful.

As no operational development or external alterations are proposed, there is no impact upon the character or appearance of the Conservation Area.

The Local Planning Authority is therefore respectfully requested to issue a **Certificate of Lawful Existing Use or Development** confirming the lawful use of the existing **ground floor self-contained flat** at 120 Halifax Old Road, Birkby, Huddersfield, HD2 2RW.

10. Schedule of Submitted Documents

Planning DRW HALI – Existing Site Plan and Ground Floor Plan

Planning DRW HALI – Existing Front & Rear Elevations

Document A – Planning Permission 2004/62/95179/W2

Document B – Approved Planning Drawings (2004)

Document C – Building Regulations Approval & Completion (2006)

Document D – Whitegates Estate Agents Letter

Document E – Council Tax Records

Document F – Existing Site Photographs