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

Planning - PO Box 1720, Huddersfield, HD1 9EL
E-mail: 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

36 Premier

Address Line 1

Calder Road

Address Line 2

Lower Hopton

Address Line 3

Kirklees

Town/city

Mirfield

Postcode

WF14 8PJ

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

Easting (x)

420071

Northing (y)

419445

Description

Applicant Details

Name/Company

Title

Mr

First name

James

Surname

Mawi

Company Name

Address

Address line 1

26 Haywood drive

Address line 2

Address line 3

Wakefield

Town/City

Wakefield

County

Country

GB

Postcode

WF1 4GJ

Are you an agent acting on behalf of the applicant?

◯ Yes
⊘ No

Applicant Contact Details

Primary number

***** REDACTED ******

Secondary number

Fax number

Email address

***** REDACTED ******

Reason for Lawful Development Certificate

Please indicate why you are applying for a lawful development certificate

- [x] 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.

If Yes, to either 'an existing use' or 'an existing use in breach of a condition', please select the relevant Use Class.

C3 - Dwellinghouses

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

Existing use of the self-contained second-floor attic flat at 36 Calder Road, Lower Hopton, Mirfield, WF14 8PJ, as a separate residential dwelling (Use Class C3).

The flat was created from accommodation previously forming part of the residential premises and has been occupied independently as a separate dwelling since at least 15 June 2018.

The flat has its own residential accommodation and is accessed via the existing shared residential entrance, staircase and corridor, separately from the ground-floor commercial premises.

This application seeks confirmation of the lawfulness of the continued use of the second-floor attic flat as a separate, self-contained dwelling, distinct from the other residential units within the building.

The application relates specifically to the second-floor attic flat, which is currently unnumbered, as identified on the accompanying plans.

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

The application seeks a Certificate of Lawfulness of Existing Use or Development under Section 191 of the Town and Country Planning Act 1990 for the continued use of the second-floor attic flat at 36 Calder Road, Lower Hopton, Mirfield, WF14 8PJ, as a separate, self-contained residential dwelling (Use Class C3).

The attic flat was created and brought into independent residential use before 25 April 2024. The current tenant, Paul Lynn, commenced occupation on 15 June 2018 and has occupied the accommodation as his separate dwelling continuously since that date.

The change of use to a separate dwelling therefore occurred more than four years before the date of this application. The application relies upon the four-year enforcement period applicable to qualifying changes of use to a single dwellinghouse commenced before 25 April 2024, together with the relevant transitional provisions following the amendments to Section 171B of the Town and Country Planning Act 1990.

The evidence submitted includes a signed statutory declaration from the tenant, the tenancy agreement and records of rental payments, supported by plans identifying the accommodation.

On the basis of the evidence of continuous independent residential use since June 2018, the applicant considers that the relevant enforcement period has expired and that the existing use is lawful for planning purposes. A Certificate of Lawfulness is therefore requested confirming the use of the second-floor attic flat as a separate self-contained dwelling.

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)?

15-06-2018

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

Proposed

Please select the housing categories that are relevant to the proposed units (i.e. the change you are seeking certification for)

☑ Market Housing
☐ Social, Affordable or Intermediate Rent
☐ Affordable Home Ownership
☐ Starter Homes
☐ Self-build and Custom Build

Market Housing

Please specify each type of housing and number of units proposed

Housing Type:
Flats / Maisonettes

1 Bedroom:
3

2 Bedroom:
0

3 Bedroom:
0

4+ Bedroom:
0

Unknown Bedroom:
0

Total:
3

Proposed Market Housing Category Totals	1 Bedroom Total	2 Bedroom Total	3 Bedroom Total	4+ Bedroom Total	Unknown Bedroom Total	Total
	3	0	0	0	0	3

Existing

Please select the housing categories for any existing units on the site (i.e. prior to the change you are seeking certification for)

☑ Market Housing
☐ Social, Affordable or Intermediate Rent
☐ Affordable Home Ownership
☐ Starter Homes
☐ Self-build and Custom Build

Market Housing

Please specify each existing type of housing and number of units on the site

Housing Type:
Flats / Maisonettes

1 Bedroom:
1

2 Bedroom:
1

3 Bedroom:
0

4+ Bedroom:
0

Unknown Bedroom:
0

Total:
2

Existing Market Housing Category Totals	1 Bedroom Total	2 Bedroom Total	3 Bedroom Total	4+ Bedroom Total	Unknown Bedroom Total	Total
	1	1	0	0	0	2

Totals

Total proposed residential units	3
Total existing residential units	2
Total net gain or loss of residential units	1

Community Infrastructure Levy

Your development may be liable for a charge under the Community Infrastructure Levy if it involves new or additional gross internal area for residential and non-residential buildings, including extensions or a new dwelling. If your scheme is liable, this charge is payable after development begins.

Information on the CIL charges can be found on the local authority website. In London both Mayoral and local borough CIL charges may be applicable.

Your answers below, and in the application, will enable the local authority to establish if your development is liable for a charge and to calculate it accurately.

Further information on CIL, and what to do if you are liable can be found on the Planning Portal.

It is an offence for a person to knowingly or recklessly supply information which is false or misleading in a material respect to a collecting or charging authority in response to a requirement under the Community Infrastructure Levy Regulations (2010) as amended (regulation 110, SI 2010/948). A person guilty of an offence under this regulation may face unlimited fines, two years imprisonment, or both.

Liability for CIL

Does the application include new build development (including extensions and replacement) of 100 square metres gross internal area or above?

◯ Yes
⊘ No

Note: Answer No if either:

- the new or additional internal area only relates to a building into which people do not normally go or only go into intermittently for the purposes of inspecting or maintaining fixed plant or machinery; or
- the new or additional internal area solely relates to an internal/mezzanine floor and no other works or change of use are proposed.

Does the application include creation of one or more new dwellings (including residential annexes) either through new build or conversion (except the conversion of a single dwelling house into two or more separate dwellings with no additional gross internal area created)?

◯ 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

Andrew Rollerson

Date

28/10/2026