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 a Proposed Use or Development

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

Linthwaite Business Centre, Anq Distributions Unit 3

Address Line 1

Manchester Road

Address Line 2

Linthwaite

Address Line 3

Kirklees

Town/city

Huddersfield

Postcode

HD7 5QS

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

Easting (x)

409749

Northing (y)

414444

Description

Applicant Details

Name/Company

Title

Mr

First name

Hanmant

Surname

Mashiana

Company Name

AS Autos

Address

Address line 1

Linthwaite Business Centre, Anq Distributions Unit 3 Manchester Road

Address line 2

Linthwaite

Address line 3

Town/City

Huddersfield

County

Kirklees

Country

United Kingdom

Postcode

HD7 5QS

Are you an agent acting on behalf of the applicant?

- ○ Yes
- ☑ No

Contact Details

Primary number

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

Secondary number

Fax number

Email address

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

Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?

- ○ Yes
- ◉ No

Does the proposal consist of, or include, a change of use of the land or building(s)?

- ○ Yes
- ◉ No

Has the proposal been started?

- ○ Yes
- ◉ No

Grounds for Application

Information about the existing use(s)

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

Having sought advice from the planning team at Kirklees, the opinion of John Holmes is that an MOT testing station in this location would not require any change of use applications.

Having reviewed the planning history for the site, there is clear reference to uses for industrial purposes including the use of machinery. The site is not in a residential area and the full estate has businesses using their sites for industrial purposes such as vehicle repairs, wheel and tyre repairs and pallet storage and distribution to name a few.

No amendments to the buildings or land will be taking place. The site has been used for vehicle repairs in the past and will continue to do so in the future with no detriment to the local environment by way of noise, pollution or traffic.

The addition of an MOT testing station falls as an industrial practice and does not fall out with of permitted use as per the planning history.

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

Please see planning history

90/04939 & 94/93890

Both are now uploaded onto Kirklees website

I have also attached emails from the Planning department with the view that a planning application would not be required.

Select the use class that relates to the existing or last use.

B2 - General industrial

Information about the proposed use(s)

Select the use class that relates to the proposed use.

B2 - General industrial

Is the proposed operation or use

- (x) Permanent
- ( ) Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

There are no significant changes to be made to the site, building or land. An MOT test station for class 4 & class 7 vehicles allows for a variety of vehicles to be tested in an area where there is a shortage of testing facilities for class 7 vehicles in particular. In addition to adding jobs to the local community, vehicle safety locally will be improved.

With regards specifically to the site, its currently being used for vehicle repairs and has been for numerous years, with a number of other units in the same industrial park being used for very similar purposes. There would be no additional nuisance by way of noise, traffic or pollution and this would be more likely to provide a benefit for the local businesses allowing MOT testing to be carried out in closer proximity. There will be no material change to what is currently being done in the area.

In addition, the planning history suggests that this site has always been for the purpose of industrial activity as per the documents scanned onto the Kirklees website. It has been difficult to understand the planning classification of the site given the age of the site and prior planning history. A certificate of lawful development would allow for confirmation for the operation of the MOT station and allows an avoidance of doubt attitude to be taken to ensure all requirements from Kirklees are complied with. Additionally, without a certificate of lawful development as confirmation from the council, the DVSA and solicitors are unable to process an application for the MOT station.

There is also an MOT station already occupied in a unit at the top of the business park and has been doing so successfully for many years with no detriment. My MOT testing station would have a similar offering, however it would offer class 7 testing facilities, but based on the successful operation of Huddersfield MOT centre, there would be no concerns for operating from this unit.

Site Visit

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

- ( ) Yes
- (x) No

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

- ( ) The agent
- (x) The applicant
- ( ) Other person

Pre-application Advice

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

- (x) Yes
- ( ) No

If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):

Officer name:

Title

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

First Name

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

Surname

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

Reference

90/04939 94/93890

Date (must be pre-application submission)

09/08/2024

Details of the pre-application advice received

29/08/2024 10:00am John Holmes wrote:

From review of the planning history, I am of the view the industrial units would fall under use class B2 of the town and Country Planning (Use Classes Order) 1987 (as amended). As an MOT testing station / garage used for vehicle repair would fall under this use class in my view an application for change of use would not be required.

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

Interest in the Land

Please state the applicant's interest in the land

- ○ Owner
- ○ Lessee
- ☑ Occupier
- ○ Other

If Lessee or Occupier, please give details of the owner and state whether they have been informed in writing of this application

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

Declaration

I/We hereby apply for Lawful development: Proposed 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

Hanmant Mashiana

Date

11/09/2024