

**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.: 2024/CL/92871/E

Site: Factory Shop, Foxs Biscuits, Wellington Street,
Batley, WF17 5JG

Description: Certificate of lawfulness for proposed formation of
hard standing

Case Officer: Chris Cockroft

Decision Reference: PROPOSED OPERATIONS GRANT

**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.**

Kevin Walton

AUTHORISED OFFICER

Date 12-May-2025

APPLICATION OF CERTIFICATE OF LAWFULNESS – PROPOSED

Applicant: James Doody, Fox's Biscuits

Site: Factory Shop, Fox's Biscuits, Wellington Street, Batley, WF17 5JG

Description: Certificate of lawfulness for proposed formation of hardstanding

Application number: 2024/92871

Site Description

The application site is to the north of Fox's Biscuits Factory Shop adjacent to Wellington Road. The Factory Shop is part of the Fox's Biscuit site which is an industrial site manufacturing confectionary. Along the north and west boundaries of the proposed hardstanding is a dwarf wall and hedging. To the east is an existing hardstanding car park. There is an existing entrance off the main road, to the west of the proposed hardstanding, contiguous with the application site.

Application Proposal

The application is for a certificate of lawful proposed hardstanding under Part 7 class J. The onus is on the applicant to provide evidence which states why the proposal fits with the permitted development legislation. In this case, the applicant has stated on the application form that the proposal is permitted development.

The creation of the hardstanding will provide additional parking spaces for the factory shop and offices. The submitted plans show an area of approximately 400 square metres.

Relevant Planning History

None

Consultations

This is an application for a Lawful Development Certificate and for this reason, no consultations are necessary.

Legislation

The Town and Country Planning Act 1990 Section 55 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Assessment: -

The main considerations in the determination of this application are:

1. Whether the proposed development would constitute development as defined section 55 of the Town and Country Planning Act 1990.
1. If so, whether Permitted Development rights apply to the property; and
2. Whether the proposed development falls within permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 7 (non-domestic alterations) Class J (hard surfaces for industrial and warehouse premises).

The proposal comprises a hardstanding. Thus, the proposal constitutes the carrying out of building on and over land. As such, it is regarded as development as defined by section 55 of the Town and Country Planning Act 1990.

The application therefore falls to be considered under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 7, Class J (hardstanding for industrial or warehouse.)

The proposed site is adjacent to Wellington Road which designated as a Class 'C' road. It therefore also falls to be considered under Article 3 (6) which states:

'(6) The permission granted by Schedule 2 does not, except in relation to development permitted by Classes A, B, D and E of Part 9 and Class A of Part 18 of that Schedule, authorise any development which requires or involves the formation, laying out or material widening of a means of access to an existing highway which is a trunk road or classified road, or creates an obstruction to the view of persons using any highway used by vehicular traffic, so as to be likely to cause danger to such persons.'

The plans provided, show access to the proposed site is via an existing entrance and access road to the west of the proposed hardstanding. The development extends the existing area of hardsurface but does not propose nor would it involve the widening of the means of access from the classified 'C' road' or create an obstruction to the view of persons using any highway.

Permitted development

J. Development consisting of—

- (a) the provision of a hard surface within the curtilage of an industrial building or warehouse to be used for the purpose of the undertaking concerned; or
- (b) the replacement in whole or in part of such a surface.

Development not permitted

J.1 Development is not permitted by Class J if the development would be within the curtilage of a listed building.

Comment: The proposed development is not within the curtilage of a Listed Building.

Conditions

J.2 Development is permitted by Class J subject to the following conditions—

- (a) where there is a risk of groundwater contamination the hard surface must not be made of porous materials; and
- (b) in all other cases, either—
 - (i) the hard surface is made of porous materials, or
 - (ii) provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the industrial building or warehouse.

Conclusion

The proposed hardstanding would be permitted development as set out in Schedule 2, Part 7 Class J of the Town and Country Planning (General Permitted Development) Order 2015.

Recommendation: GRANT certificate

Decision Authorisation - Delegated Powers
Application Number: 2024/92871
Officer Recommendation: Grant certificate

The proposed hardstanding as shown on plans listed below benefit from a general planning permission by virtue of Article 3(1) Part 7, Class J of Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) subject to conditions stated in paragraph J.2 of the same Order.

Paragraph J.2 states:

Development is permitted by Class J subject to the following conditions—
(a) where there is a risk of groundwater contamination the hard surface must not be made of porous materials; and
(b) in all other cases, either—
(i) the hard surface is made of porous materials, or
(ii) provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the industrial building or warehouse.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Application form	-	09/10/2024
Location plan	37.2398.01 Location Plan A3	09/10/2024
Proposed site plan	37.2398.01.LDC application (Annotated)	28/04/2025

Report Dated: 28/04/2025