

**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/93560/E

Site: Premier Motor House, 28A, Church Street,
Ravensthorpe, Dewsbury, WF13 3LA

Description: Certificate of lawfulness for existing use of site for
the sale of cars

Case Officer: Laura Yeadon

Decision Reference: EXISTING USE GRANTED

**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 24-Nov-2025

Officer Report

[Weblink](#)

Reference: 2024/93560

Applicant: A.J. Johnson

Location: Premier Motor House, 28A, Church Street, Ravensthorpe, Dewsbury, WF13 3LA

Proposal: Certificate of lawfulness for existing use of the site for the sale of cars.

Site description:

28A Church Street is a corner plot which site which abuts Church Street, Bell Street and Charles Street. There are existing single storey industrial type buildings within the site along the western boundary with a forecourt to the west. Access into the site is via Bell Street with the site bound by fencing.

Description of development:

The application seeks a Certificate of Lawful Development for the existing use of the premises as vehicle sales for a period of more than 10 years.

The description of development was changed during the course of the application process following correspondence between the LPA and the applicant.

Representations:

We are currently undertaking statutory publicity requirements, as set out at Table 1 and Table 2 in the Kirklees Development Management Charter.

This application has been available on the Kirklees Website for public view.

Consultation responses:

No consultations were deemed necessary for this proposal as it is an application for a Lawful Development Certificate. The applicant seeks to demonstrate that the use of the building for the sale of cars began more than 10 years before the date of this application.

Relevant Policy/Legislation:

The Town and Country Planning Act 1990

Assessment:

Section 191(1) of the Town and Country Planning Act 1990 (“the Act”) permits any person who wishes to ascertain whether any operations or existing use of buildings or other land would be lawful to make an application to the Local Planning Authority.

Section 191(2) of the Act provides that uses are lawful if:

1. No enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for taking enforcement action has expired or for any other reason);
2. They did not constitute the contravention of any of the requirements of any enforcement notice then in force.

For the purposes of the Act a use is lawful at any time if no enforcement action may then be taken against the use, and the use does not contravene the requirements of any enforcement notice then in force. Section 191(2) (b) states that the inability to take enforcement action may come about because the use did not involve development, or because it did not require planning permission, or because the time for taking enforcement action has expired.

Section 171B(3) states that in the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.

The relevant Test:

The burden of proof lies firmly with the Applicant and the relevant test for whether the operations can be deemed lawful is the ‘balance of probability’.

The applicant’s evidence does not need to be corroborated by ‘independent’ evidence. If the Local Planning Authority has no evidence of their own, or from others, to contradict or otherwise make the Applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous to justify the granting of a certificate on the balance of probability.

Limitations:

The LDC must contain precise details of what use or operation are found to be lawful, why and when. The details will not be legally equivalent to a planning condition or limitation. They will be a point of reference specifying what was lawful at a particular date, against which any subsequent change may be assessed. If the use subsequently intensifies or changes in some way to the point where a ‘material’ change of use takes place, Local Planning Authority may then consider further development has taken place.

Relevant Planning History:

2006/90477	Outline application for erection of 2 no. blocks of three storey apartments (12 no. apartments) <i>Withdrawn</i>
2006/92318	Outline application for residential development <i>Conditional Outline Permission</i>
2010/93175	Certificate of lawfulness for existing use of premises for car repair and storage <i>Refused – ‘On the basis of the evidence submitted by the applicant and the records held by this Authority, the Local Planning Authority is not satisfied that on the balance of probabilities the applicant has demonstrated that the use of the premises for car repair and storage has existed continuously for the 10 years preceding this application.’</i>

Relevant Enforcement History:

COMP/10/0377	Change of use from storage to car repairs <i>Breach not expedient</i>
COMP/20/0538	Alleged unauthorised change of use to car repairs, display of banners <i>Under investigation</i>

Evidence submitted in support of the application:

The applicant has submitted the following:

- Application form
- Location plan
- A number of tenancy agreements dating from 2010 to 2023
- A number of letters confirming the use of the site as garage/workshop/car storage over a number of years
- Additional information received by email with Company House details for use of the site for the sale of vehicles

Evidence submitted against the application:

No evidence

Evidence obtained from Council Records and other sources:

Council's mapping system demonstrating arial imagery and site history along with Google Streetview imagery.

Site visit:

No site visit has been undertaken.

Assessment:

The final description of development has been confirmed by the applicant. This is on the basis that the use of the site for the sale of cars has been for a period of 10 years or more.

For the provisions of s.171B to operate, a breach in planning control must have occurred before the 10 year clock can start ticking. A breach in planning control is defined in s.171A of the Act as either the: -

- (a) carrying out of development without the required planning permission or
- (b) failing to comply with any condition or limitation subject to which planning permission has been granted.

It is part (a) which is of relevance in this case and s.55 (1) of the Act provides the definition of development as: -

“Subject to the following provisions of this section, in the Act except where the context otherwise requires, “development” means the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of a material change in use of any building or other land’.

Consequently, it is necessary for the applicant to show a material change of use occurred without the required planning permission and that breach in planning control existed for a period of 10 years.

An examination of the evidence submitted on behalf of the applicant follows:

Site location plan

The site location plan clearly shows the land and building which is subject to the application, outlined in red. The land comprises of a single storey steel clad structure which sits along the western boundary and spans the full depth of the plot. The remainder of the land to the east of the building itself is a forecourt area which is bound by steel fencing along the southern and eastern boundaries.

Title deeds

A plan has been submitted which is a current title plan issued by HM Land Registry under title number WYK102657 which shows the outline of the site and it also incorporate no. 28 Church Street which is a detached residential dwelling. The title deed indicates that the dwelling is under a separate reference number. However, for the purposes of this application, it is considered that this document is sufficient to clearly demonstrate the area of land subject to this assessment.

Lease Agreements

- A&B Autos

A lease agreement has been submitted between the landlord and A&B Autos dated 11th September 2010. No details are contained within the lease agreement in terms of the use of the site.

- A&S Autos

A lease agreement has been submitted between the landlord and A&S Autos which is dated 11th September 2011. No details are contained within the lease agreement in terms of the use of the site.

- Haris Autos

A lease agreement has been submitted between the landlord and Haris Autos which is dated 1st February 2012. No details are contained within the lease agreement in terms of the use of the site.

- Azhi Lazim Sheko Paramount Fine Cars Ltd

A lease agreement has been submitted between the landlord and Azhi Lazim Sheko Paramount Fine Cars Ltd dated 1st April 2016. No details are contained within the lease agreement in terms of the use of the site.

- Paramount Fine Cars Ltd

A lease agreement has been submitted between the landlord and Paramount Fine Cars Ltd dated 1st May 2017. No details are contained within the lease agreement in terms of the use of the site.

- M. U. Raja

A lease agreement has been submitted between the landlord and M. U. Raja dated 1st June 2018. No details are contained within the lease agreement in terms of the use of the site.

- Xomo Motor Company Ltd

A lease agreement has been submitted between the landlord and Xomo Motor Company Ltd dated 30th October 2019. No details are contained within the lease agreement in terms of the use of the site.

- Select Car Group Ltd

A lease agreement has been submitted between the landlord and Select Car Group Ltd dated 1st June 2022. No details are contained within the lease agreement in terms of the use of the site.

- RS Moror Group

A lease agreement has been submitted between the landlord and RS Motor Group dated 1st June 2023. No details are contained within the lease agreement in terms of the use of the site.

Letters

A number of letters have been received stating that the premises have been used for the purpose of car storage and garage workshop for a number of years. As the application description has been amended to car sales only, these letters carry little weight in the assessment of this application.

Companies House details

- Paramount Fine Cars Ltd

Details from Companies House website have been submitted stating that Paramount Fine Cars occupied the site and was incorporated on 29th May 2015. The nature of the business was the 'sale of used cars and light motor vehicles'.

- Premier Fine Cars Ltd

Details from Companies House website have been submitted stating that Premier Fine Cars Ltd occupied the site and was incorporated on 8th January 2018. The details state that the nature of business was 'sale of used cars and light motor vehicles'.

- Premier Motor House Ltd

Details from Companies House website have been submitted stating that Premier Motor House Ltd occupied the site and was incorporated on 8th June 2018. The details state that the nature of the business was the 'sale of other motor vehicles'.

- Xomo Motor Company Ltd

Details from Companies House website have been submitted stating the Xomo Motor Company Ltd occupied the site and was incorporated on 30th October 2019. The details state that the nature of the business was the 'sale of other motor vehicles'.

- Select Car Group Ltd

Details from Companies House website have been submitted stating that Select Car Group Ltd occupied the site and was incorporated on 21st December 2021. The details state that the nature of the business was the 'sale of used cars and light motor vehicles'.

Evidence held by the Council

It is clear from the Council's mapping system and from Google Streetview that the building and associated land has been used for car sales and associated storage for a number of years.

The details within the application form state that the current owners of the site took ownership in 2010. Within the previous Officer Report under application number 2010/93175 it was claimed that the use of the site was previously as a heavy haulage distribution yard. This information is verified by way of historical mapping images where it is clear that HGVs were evident in the forecourt of the building and associated signage on the building reading as 'Precision Concrete Ltd'.

Since then and following the purchase of the premises and associated land in 2010, Google Streetview is clear in that in 2016, 2018, 2022, 2023 and 2025 that car sales were operating from the site. This is evident by the sale signs in the car windscreens.

It therefore appears that from the information held by the Council, the site has been used for the sale of vehicles from the site since at least July 2016 and it appears to have been a continuous use.

Conclusion:

Based upon the information submitted by the applicant and with the information held by the Council it has been demonstrated that, on the balance of probability that the use of the site for the sale of vehicles has operated for a continuous period of 10 years or more. The submitted supporting information in the form of tenancy agreements dating back to 2010 and the additional information in the form of business details. This combined information demonstrates that the evidence put forward by the applicant is sufficiently precise and unambiguous to justify the granting of a certificate on the balance of probability.

Recommendation: Grant Certificate

Decision Authorisation: - Delegated Powers

Application number: 2024/93560

Officer Recommendation: Grant Certificate

Reason:

The information submitted is considered to demonstrate that on the balance of probability a breach of planning control consisting of a material change of use of the site for the sale of vehicles/cars occurred in excess of 10 years prior to the date of this application and that such a use has been continuous for more than 10 years.

Plan Type	Reference	Version	Date Received
Application form			6 th January 2025
Location plan	UK Planning Maps		6 th January 2025
HM Land Registry Plan	WYK102657		6 th January 2025
9 no. lease agreements			6 th January 2025
6 no. Companies House documents			20 th August 2025
6 no. letters from neighbouring properties			6 th January 2025

Dated: 18th November 2025