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.: 2025/CL/90028/W

Site: St Paul's Church, Armitage Road, Armitage Bridge, Huddersfield, HD4 7PD

Description: Certificate of lawfulness for proposed siting of temporary storage container (within a Conservation Area)

Case Officer**:** Charlotte Hancock

Decision Reference: PROPOSED USE 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 06-Mar-2025

Officer Report

Site Description
The site is St Paul's Church as well as its surrounding grounds. The site is located within a Conservation Area, and the Church is a Grade II listed building, first listed in 1978. The site is surrounded by vegetation to the northern, southern and western boundaries and to the east of the site are several residential dwellings. There are several TPO's within the Church grounds.

Description of Proposal
Permission is sought for a Certificate of Lawfulness for proposed siting of temporary storage container (within a Conservation Area). The shipping container is proposed to be painted green and is proposed to have a length of 2.44m, a width of 2.20m and height of 2.26m.
The container is proposed to be used for the storage of gardening equipment in connection with the maintenance of the Church grounds. Equipment to be stored in the container includes hand lawnmowers and gardening tools, brushes and buckets. The container is proposed to be located to the west of the Church, approximately 6.5m from the boundary of the Church grounds.

History of negotiations/amendments received
A telephone call with the applicant confirmed that the temporary period for the siting of the shipping container is proposed to be 10 years. Additional e-mail correspondence with the applicant confirmed what gardening equipment would be stored in the container.

Relevant Planning History
88/04989- Renovation of Church after fire- Granted Conditionally

98/93276- Siting of steel storage container (within the curtilage of Listed Building within a Conservation Area)- Refused

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

Issues and Assessment
With specific regard to Section 55 of The Act, it is important to determine whether or not the application falls within the remit of the definition of development and if so whether it is a building operation or a material change of use of the land. The key difference between the two limbs of development is that they can be categorised in operational works affecting the ground upon which the works are carried out, whereas material changes of use generally involve activities on the ground.
In this instance, the proposed storage container would not require any construction or laying of a hard standing on the site. The container is one small unit which likely be brought onto the site via a crane or vehicle. The container is not proposed to be attached to the ground, nor are there any

proposed works to receive the unit. The container is small, akin to a small shed.
Whilst it is assumed the container is a permanent feature, with the applicant confirming that the period the container will likely be on the land is for 10 years, the nature of the unit is temporary and it could easily be removed or relocated without requiring works to un-attach or alter the ground to move it. Under these circumstances and applying the Barvis tests derived from the Courts, it is considered that the container cannot be reasonably described as a building operation within the definition of section 55.
With regard to the use of the container, it is considered that the planning unit of the Church extends to the grounds. The container is proposed to be used for the storage of gardening equipment, namely hand lawnmowers and gardening tools, brushes and bucket and therefore it is considered that the proposed container is to be used for purposes ancillary to the Church and not for any other storage purpose. The siting of the container does not create a separate planning unit and therefore it is considered that the siting of the container is not a material change of use of the wider planning unit. The container is small and is not a use of land that could be considered unnecessary or reasonably unexpected within the Church grounds.
As such, it is considered that the siting of the container does not fall within the definition of development as set out in Section 55 of The Act. As a result, the proposed siting of the shipping container would be lawful under the terms of The Act and the application is recommended for approval.

Conclusion:
The proposed siting of the shipping container within the Church grounds is not considered to constitute the carrying out of development under the definition within Section 55 of The Town and Country Planning Act 1990 (as amended). The siting of the container is therefore lawful in terms of planning control.

Plans and specifications schedule: -

Plan Type	Reference	Date Received
Application Form	1072265	15/01/2025
Site location plan	1072266	15/01/2025
Container details	1072267	15/01/2025
Applicant correspondence	-	05/03/2025

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2015 and otherwise actively engaged with

the applicant in dealing with the application. The Case Officer entered into negotiations and request amended plans for the proposed development and it was considered that the application acceptable in its submitted form.
Dated: 06/03/2025