

**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/91059/W

Site: 15, St Andrew's Road, Huddersfield, HD1 6SB

Description: Certificate of lawfulness for proposed erection of 4
silos adjacent to existing operational building

Case Officer: Chris Cockroft

Decision Reference: PROPOSED OPERATIONS REFUSED

**I hereby authorise the refusal 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 05-Jun-2025

Officer Report

2025/91059

Site Description

15, St Andrew's Road, Huddersfield, HD1 6SB, is a two-storey industrial building constructed from brick, black composite cladding panels, aluminium framed windows and doors. The property has a car parking area to the north and has landscaping in the form of grassed areas and trees along the north and north-west boundary.

Description of Proposal

The application is for a Certificate of Lawful Proposed Development for the erection of four silos adjacent to an existing operational building.

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 for additional plant under Schedule 2, Part 7, Class I.

Four silos are proposed on the rear (west facing) elevation, organised as two pairs. Each silo would be 12.5 metres in height.

History of negotiations/amendments received

No negotiations have taken place and no amended plans received.

Relevant Planning History

2015/92014 Erection of factory and ancillary offices with car parking and new service access Road – Granted 23/10/2015

Consultation Responses

None required

Evidence submitted in support of the Application

The applicant has provided drawings in support of the application. The drawing no. PL03 - 'Proposed Elevations and Section', does not provide any clarity about the construction material of colour scheme of the silos.

For drawing no. PL03, the drawings: 'Proposed Elevation A – Building' and 'Proposed Elevation B - Canal', have been labelled incorrectly. This does not

hinder the assessment of the proposal, as the information provided in the plan is unambiguous and clear.

Assessment

Applications for Certificates of Lawful Developments for the erection of 4 silos adjacent to existing operational building in this instance is assessed against the general permission conferred by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Schedule 2, Part 7, Class I of the Order sets out the Permitted Development Rights which relates to the ‘*Developments relating to an industrial process.*’

Class I – developments relating to an industrial process

Permitted development

- I. Development carried out on industrial land for the purposes of an industrial process consisting of—
- (a) the installation of additional or replacement plant or machinery;
 - (b) the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus, or
 - (c) the provision, rearrangement or replacement of a private way, private railway, siding or conveyer.

Development not permitted

I.1 Development described in Class I(a) is not permitted if—

- (a) it would materially affect the external appearance of the premises of the undertaking concerned;

The four silos would be sited to the rear of the main industrial building. They are 12.5 metres high, projecting beyond the roof line of the main industrial building by approximately 2.5 metres. They would be significant development altering the roof line of the industrial building and the aspect of the rear west-facing elevation of the premises. The applicant has not provided any information to suggest the appearance of the proposed silos would be mitigated through any colour scheme or “camouflage”.

The four silos are located to the rear of the industrial premises, but there are a number of normal vantage points from which the four silos can be seen¹, to the south-west from the car park of Sainsbury’s and to the north / north-west from Turnbridge Road. The vantage point along Turnbridge Road in particular, which is a frequently used highway between St Andrew’s Road and the Ring Road, is less than 50 metres from the proposed four silos and viewed from there, would materially affect the external appearance of the premises.

¹ Burroughs Day v Bristol City Council [1996] P.L.R. 78 1 E.G.L.R. 167

It is noted that the industrial premises has landscaping in the form of grassed areas and trees along the north and north-west boundary which to a degree would ameliorate the visual impact of the premises on the area. However, the four silos would remain prominent development given the height, location and scale in proximity to the public realm and therefore would materially affect the external appearance of the premises and the impact of the landscaping.

or;

(b) any plant or machinery would exceed a height of 15 metres above ground level or the height of anything replaced, whichever is the greater.

Interpretation of Class I

I.2 For the purposes of Class I, “industrial land” means land used for the carrying out of an industrial process, including land used for the purposes of an industrial undertaking as a dock, harbour or quay but does not include land in or adjacent to and occupied together with a mine.

Conclusion

The proposal, for the installation of four silos adjacent to the existing operational building has been considered against the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), was assessed to materially affect the external appearance of the premises and is recommended for refusal under Schedule 2, Part 7, Class I of the Order.

Recommendation: Refuse Certificate

Decision authorisation – Delegated Powers

Application Number: 2025/91059

Officer Recommendation: Refuse Certificate

The proposed installation of four silos adjacent to the existing operational building, at 15, St Andrew's Road, Huddersfield, HD1 6SB, would not benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 7, Class I of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as it is considered the external appearance of the premises would be materially affected.

Plans and specifications schedule: -

| Plan Type | Reference | Version | Date Received |
|----------------------------------|------------------|----------------|----------------------|
| Location Plan | PL01 | | 15.04.2025 |
| Proposed Site Plan | PL02 | | 15.04.2025 |
| Proposed Elevations and Sections | PL03 REV A | | 15.04.2025 |
| Existing Elevations & Sections | PL02 | | 15.04.2025 |
| Application Form | | | 15.04.2025 |

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.

Dated: 05.06.2025