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/91182/W

Site: Church Of St Francis, Fixby Road, Fixby, Huddersfield, HD2 2JQ

Description: Certificate of lawfulness for proposed change of use of place of worship to community centre

Case Officer**:** Chris Cockroft

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 15-Jul-2025

Reference:- **2025/91182**

Applicant:- **R Kane**

Location:- **Church of St Francis, Fixby Road, Fixby, Huddersfield, HD2 2JQ**

Proposal:- **Certificate of lawfulness for proposed change of use of place of worship to community centre**

Site Description

The application relates to the Church of St. Francis on Fixby Road. The current church building built is a modest single storey bungalow design. The church is located adjacent to a busy main road and the surrounding area is residential in nature. There is no off-road parking at the site.

Application Proposal

The application is for a certificate of lawful proposed use to cease the place of worship use (F1) and use the building as a community centre (F2). 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 does not constitute a material change of use.

There are no external or internal alterations proposed to the building.

Relevant Planning History

2023/92763 Outline application for demolition of church and erection of residential development - WITHDRAWN

Consultations

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

Lawful development certificates

Section 192(1) (a) of the Town and Country Planning Act 1990 (“the Act”) permits any person who wishes to ascertain whether any operations or proposed 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 the Local Planning Authority is provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application.

The Lawful Development Certificate System provides the possibility of obtaining a statutory document confirming that the use, operation or activity named in it is lawful for planning purposes on the dates specified in the document. Once it is granted, the new type of certificate remains valid for the use or development described in it, on the land it describes, provided there is no subsequent material change in the circumstances.

The grant of a certificate applies only to the lawfulness of development carried out, or proposed, in accordance with the Planning legislation.

A certificate granted for a proposed use or operation will describe the precise use or operation on a site in the terms considered permissible without the need to make a planning application for it.

Section 191(2) of the Act states that “For the purposes of this Act, uses and operations are lawful at any time if:-

a) 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 enforcement action has expired or for any other reason); and

a) they do not constitute a contravention of any of the requirements of any enforcement notice then in force”.

Section 192(2) of the Act states:-

“If on an application under this section, the local planning authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application they shall issue a certificate to that effect…”

Therefore, if the Local Planning Authority is satisfied on balance, and having regard to the above sections read together, that no enforcement action could be taken because the proposed change of use would not constitute “development” involving a material change of use of the place of worship to community centre, a certificate should be issued on the grounds that the change does not constitute development. Otherwise the application should be refused.

Assessment:-

The main considerations in the determination of this application are whether the proposed use would constitute development as defined in section 55 of the Town and Country Planning Act 1990. “Development” is defined in this section as the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land. “Building operations” includes, for the purpose this Act, demolition of buildings, rebuilding, structure alterations or additions to

buildings and other operations normally undertaken by a person carrying on business as a builder.

Historically the building has been a place of worship defined as Class F1. These spaces often have a focus on education, culture, and community engagement.

The question becomes, is the proposed use as a Community Centre (F2) materially different from the current use. The proposed use of the building is for:

- educational workshops and training sessions;
- meetings for local groups and charities;
- cultural and religious events;
- martial arts and dance classes
- community celebrations such as birthdays, anniversaries, and small family functions Health and wellbeing activities (e.g. fitness classes, mental health sessions).

It is proposed that:

- The use will remain primarily non-commercial and community-focused, ensuring it benefits the local area.
- The building is to continue operating within the spirit of the building's historical use, with enhanced flexibility to better serve current community needs.
- No external alterations to the building are currently proposed, and the structure remains suitable for these purposes.
- The site has adequate space for safe access and, where needed, parking arrangements can be managed.

While both uses may involve community interaction, places of worship and community centres have distinct characteristics and potential impacts. Places of worship historically have had specific times of high activity (services) on Sundays, Christmas and Easter etc, with intermittent use throughout the year for marriages, funerals, christenings etc. More recently however, churches have widened their activity offerings to ensure the viability of the buildings and have become akin community centres, which may operate with different schedules and activities, often being centres of activity on a day-to-day basis, as proposed in this application.

Classes F.1 & F.2 of Schedule 2 of the amended Use Classes Order include uses that differentiate between institutional uses and community uses although both have similarities in terms of descriptions e.g. public hall for F.1 and hall for community use in F.2. In this case the former church use could and is likely to have operated as a use closely associated with the local community and described as "St Francis Church and Community Hall." The proposed use does consists and include religious uses and uses for the community which do not appear to introduce any uses which would change the character of the church and hall and as such is not materially different.

In assessing the application for this change of use of use to the building. which is located in a residential area, consideration has been given to factors like noise, traffic, parking and the impact on the neighbourhood. Granting of the certificate is on the basis that the building is used only for the uses proposed in the application, to serve the local community in Bradley and Fixby.

Conclusion

On the balance of probabilities, the proposed use of the building at Church of St Francis, Fixby Road, Fixby, Huddersfield, HD2 2JQ, would not amount to a material change of use from a Place of Worship (Class F1) to Community Centre (Class F2), as defined by the Use Classes Order 1987 (as amended). As a result, planning permission is not required and the lawful development certificate is therefore granted.

Recommendation: Grant certificate

Decision Authorisation - Delegated Powers
Application Number: **2025/91182**
Officer Recommendation: **Grant certificate.**

On the balance of probabilities, the proposed use of the building at Church of St Francis, Fixby Road, Fixby, Huddersfield, HD2 2JQ as described in the supporting statement would not amount to a material change of use from a Place of Worship (Class F1) to Community Centre (Class F2), as defined by the Use Classes Order 1987 (as amended).

Plans and specifications schedule:-

Plan Type	Reference	Web ID	Date Received
Application form	App Form		30.04.2025
Site Plan	-		23.06.2025
Supporting Statement	Planning Statement		30.04.2025

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.

Report Dated 08/07/2025