KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning Act 1990 (as amended) – SECTION 70

DELEGATED DECISION TO DETERMINE PLANNING APPLICATIONS

Reference No:	**2025/62/92681/W**
Site Address:	Units 2 and 4, Old Railway Goods Yard, Scar Lane, Milnsbridge, Huddersfield, HD3 4PE
Description:	Change of use of vehicle service garage to use as vehicle service garage and MOT testing station (within a Conservation Area)
Recommending Officer:	Joshua Merriman

DECISION – CONDITIONAL FULL PERMISSION

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.

John Holmes

AUTHORISED OFFICER

Date: 25th November 2025

Officer Report – 2025/92681

Site Description

The application site refers to Units within Old Railway Goods Yard, Scar Lane, Milnsbridge, Huddersfield. The application site is located in a relatively uniform street scene, surrounded by units of a similar size, scale, character, and appearance to the application units. Furthermore, the units front onto a courtyard which is a shared open space for parking, storage, and amenity space.

To the east of the site, at a distance of approx.48m at the closest point between the buildings, are residential properties. To the south residential properties are at a distance of 36m (with intervening buildings).

The use of the buildings is workshop / industrial within the Council's GIS mapping system.

The site is in a priority employment area and is located within Milnsbridge Conservation Area

Description of Proposal

The Scheme

The applicant is seeking permission for change of use of vehicle service garage to use as vehicle service garage and MOT testing station (within a Conservation Area).

Supporting Information

In addition to the submitted plans the following documents have been submitted to support the application:

- Design and Heritage Statement
- Climate Change Statement

History of Negotiations / Amendments Received

No amendments have been requested by Officers.

Relevant Planning History

The most relevant planning history relates to the following planning applications

98/92549 - CHANGE OF USE FROM INDUSTRIAL TO LANDSCAPING AND GARDENING RETAIL CENTRE – Refused 7th December 1998 for the following reasons:

1) The proposal would introduce a retail element to a unit designed to provide warehousing/light industrial accommodation within an existing business area where the availability of alternative good quality units is limited. It is not considered that the unit is incapable of future business/industrial use but that approval of a retail business in this location would be likely to impinge on the future operational viability of adjacent business premises through the loss of industrial floorspace and storage/parking areas contrary to the provisions of Policies B1 and B4 of the Council's Deposit Draft Unitary Development Plan and CV/EP3 of the Colne Valley Local Plan.

2) The proposal would involve the change of use of part of an incomplete site allocated and designed for business/light industrial purposes for which additional off-street parking provision would be required to serve such a use. From the information submitted, the applicant has been unable to demonstrate that adequate parking and storage provision can be made within the site without compromising highway safety and the operational flexibility of neighbouring businesses contrary to Policies D2, B1 and B4 of the Council's Deposit Draft Unitary Development Plan and CV/G3 and CV/E3 of the Colne Valley Local Plan.

Given the nature of the proposal and that of the refused application in 1998 it is considered limited weight can be afforded the planning history as a consideration which is material to the determination of this application.

Representations

Publication of the application has been undertaken in accordance with the Council's Development Management Charter.

The application has been publicised as affecting the setting of a conservation area, on the Council's website, by site notice, and by press advertisement. The expiry date of the publicity period was the 13/11/2025.

No third party representations have been received.

Consultation Responses

No consultations were considered necessary for this application.

Allocation and Policy

The site is allocated as being within a Priority Employment Area and within the Milnsbridge Conservation Area as identified within the Kirklees Local Plan (adopted 2019). The site is also located within a bat alert layer. The site is in an area at low risk of ground movement as a result of former mining activity.

The following legislation, policy and guidance is considered relevant to the determination of this application:-

Kirklees Local Plan

LP1 Achieving Sustainable Development
LP2 Place Shaping
LP8 Safeguarding employment land and premises
LP21 Highway and Access
LP22 Parking
LP24 Design
LP30 Biodiversity and Geodiversity
LP35 Historic Environment
LP52 Protection and Improvement of Environmental Quality

National Policies and Guidance

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2024, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

Chapter 2 Achieving sustainable development
Chapter 6 Building a Strong and competitive economy
Chapter11 Making effective use of land
Chapter12 Achieving well-designed places
Chapter14 Meeting the challenge of climate change, flooding and coastal change
Chapter15 Conserving and enhancing the natural environment
Chapter16 Conserving and enhancing the historic environment

Supplementary Planning Documents / guidance

Kirklees Highway Design Guide (adopted November 2019)

The Biodiversity Net Gain Technical Advice Note

Legislation

The Town & Country Planning Act 1990 (as amended).
The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990
The Planning and Compulsory Purchase Act 2004.
The Conservation of Habitats and Species Regulations 2017

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination must be made in accordance with the plan unless material considerations indicate otherwise

Section 72 of the Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990 requires Local Planning Authorities to pay special attention to

the desirability of preserving or enhancing the character of appearance of Conservation Areas.

Assessment

1 – Principle of Development

NPPF Paragraph 11 and LP1 outline a presumption in favour of sustainable development. Paragraph 8 of the NPPF identifies the dimensions of sustainable development as economic, social and environmental (which includes design considerations). It states that these facets are mutually dependent and should not be undertaken in isolation.

The dimensions of sustainable development will be considered throughout the proposal.

Paragraph 11 concludes that the presumption in favour of sustainable development does not apply where specific policies in the NPPF indicate development should be restricted. This too will be explored.

Policy LP2 of the KLP sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. Policy LP24 of the KLP is relevant and states that “good design should be at the core of all proposals in the district”.

Chapter 6 of the NPPF sets out that Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt

Policy LP8 is relevant given the site is within a Priority Employment Area. Redevelopments that are within Priority Employment Areas will be supported where there is no conflict with the established employment uses. Non employment uses are only considered to be acceptable where it can be demonstrated that the site or premises are no longer capable of employment use; and the proposed use is compatible with neighbouring uses and where applicable, would not prejudice the continued use of neighbouring land for employment.

The proposal is for the change of use of a vehicle service garage to be used as a vehicle service garage and MOT testing station. It is considered that this does not significantly impact the current use of the site, and the function will be largely the same as current.

It is noted that one extra member of staff is to be employed, and as a result the proposal is considered to meet the requirements of Policy LP8 of the Kirklees Local Plan as the site falls within a Priority Employment Area, and the development is for an employment generating use.

In this case, the principle of development is considered acceptable, and the proposal shall now be assessed against all other material planning

considerations, including visual and residential amenity, as well as highway safety.

2 – Impact on character and appearance of the area (including impact upon historic environment):

Section 12 of the NPPF discusses good design. Good design is a key aspect of sustainable development, it creates better places in which to live and work and helps to make development acceptable to communities. Local Plan Policies LP1, LP2 and most importantly LP24, are all also relevant. All the policies seek to achieve good quality design that retains a sense of local identity, which is in keeping with the scale of development in the local area and is visually attractive.

Local Plan Policy LP24(a) states that all proposals should promote good design by ensuring the following: *'the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape'.*

Section 72 of the Planning (Listed Buildings & Conservations Areas) Act (1990) is relevant and is mirrored in Policy LP35 of the Kirklees Local Plan and Chapter 16 of the National Planning Policy Framework.

Policy LP35 states that: *"development proposals affecting a designated heritage asset…should preserve or enhance the significance of the asset. In cases likely to result in substantial harm or loss, development will only be permitted where it can be demonstrated that the proposals would bring substantial public benefits that clearly outweigh the harm."*

The application relates to the change of use of a vehicle service garage to be used as a vehicle service garage and MOT testing station. The property is currently used for a very similar purpose to that which is proposed, and all changes to the units will be internal rather than external, therefore, it is considered that there will be no significant impact upon the visual amenity of the units themselves, local area, or Milnsbridge Conservation Area. The proposal would not lead to harm in relation to historic assets.

Therefore the proposal is concluded to be acceptable in this regard.

3. Impact on Residential Amenity

Sections B and C of LP24 states that alterations to existing buildings should:

"…maintain appropriate distances between buildings' and *'…minimise impact on residential amenity of future and neighbouring occupiers."*

Further to this, Paragraph 135 of the National Planning Policy Framework states that planning decisions should ensure that developments have a high standard of amenity for existing and future users.

Policy LP52 is considered to be of relevance and sets out that development must be considered in relation to potential for increases from pollution, in this case the relevant possible increases could relate to noise, light & odour emissions.

The distance to nearby residential properties would not be reduced, and the functions of the application site would remain largely similar to those which currently take place. The submitted application form sets out that the use would be between the hours of 08:00am and 18:00 Mon – Fri and 09:00 – 13:00 on Saturdays, Sundays and Bank Holidays.

The site appears to benefit from unrestricted hours, the proposal would intensify the extent of the use of the site. Given the current operation and taking account operations at the site would intensify in terms of the extent of uses which can take place it is considered reasonable and necessary to include the following conditions in relation to any grant of permission::

- Use to be restrict to hours of 08:00am and 18:00 Mon – Fri and 09:00 – 13:00 on Saturdays, Sundays and Bank Holidays
- No vehicular servicing, MOTs to be undertaken other than within the buildings

On the basis of the recommended conditions and taking account of the current operations undertaken at the site it is considered that there would be no significant increase in relation to the impact upon residential amenity over and above that which takes place already.

4. Impact on Highway Safety

Policies LP21 and LP22 of the Kirklees Local Plan and Chapter 9 of the NPPF relate to access and highway safety and are considered to be relevant to the consideration of this application. The Council's adopted Highway Design Guide seeks to ensure acceptable levels of off-street parking are retained are also considered to be of relevance.

The proposed development would slightly intensify the use of the site, with an increased number of customers visiting the site for MOT services, however, this is not considered to be so significant that the current parking arrangements would not accommodate the operations which are proposed.

Considering this, the current access arrangements and parking provision on site is considered acceptable having regard to the uses which would be taking place, when compared to those currently undertaken. The site is set well back from the closest highway and having regard to the existing use, and extent of additional use proposed there is concluded to be no significant additional impact upon highway safety / as a result of additional parking requirements and the proposal is concluded to accord with the aforementioned policies in this regard.

5. Climate Change

On 12th November 2019, the Council adopted a target for achieving 'net zero' carbon emissions by 2038, with an accompanying carbon budget set by the Tyndall Centre for Climate Change Research. National Planning Policy includes a requirement to promote carbon reduction and enhance resilience to climate change through the planning system and these principles have been incorporated into the formulation of Local Plan policies. The Local Plan predates the declaration of a climate emergency and the net zero carbon target. However, it includes a series of policies, which are used to assess the suitability of planning applications in the context of climate change. When determining planning applications, the Council will use the relevant Local Plan policies and guidance documents to embed the climate change agenda.

Whilst it is noted the submitted climate change statement does not specify additional measures to be incorporated to seek to reduce carbon emissions. Considering the scale and nature of the proposed development, it is considered that the proposed development would not have an impact on climate change that needs mitigation to address the climate change emergency. The proposed development would therefore comply with Chapter 14 of the National Planning Policy Framework.

6. Other Matters

Impact upon Ecology

Chapter 15 of the National Planning Policy Framework is relevant, together with The Conservation of Habitats and Species Regulations 2017 which protect, by law, the habitat and animals of certain species including newts, bats and badgers.

Policy LP30 of the Kirklees Local Plan requires that proposals protect Habitats and Species of Principal Importance. Whilst it is acknowledged that the site is located within an identified bat roosting area, the proposals are relatively modest, and in this case would not impact upon the existing roof space which has the potential for providing a roost for bats. Therefore it is considered unlikely that the proposals would have a significant impact on the bat population.

An informative would be included making the applicant aware that if bats are discovered on site during the works, any development shall cease, and the applicant is advised to contact Natural England for advice on how to move forward. Subject to informative the proposal is considered to be acceptable in this regard.

In terms of Biodiversity Net Gain as set out by the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (inserted by the Environment Act 2021). The development is considered to benefit from the de-minimus exemption as set out by The Biodiversity Gain Requirements (Exemptions) Regulations 2024 and there is no required for BNG to be provided in respect of the aforementioned legislation.

7. Representations

No representations have been received.

8. Conclusion

The NPPF has introduced a presumption in favour of sustainable development. The policies set out in the NPPF taken as a whole constitute the Government's view of what sustainable development means in practice.

This application has been assessed against relevant policies in the development plan and other material considerations. It is considered, the proposed development would constitute sustainable development and is therefore recommended for approval.

Recommendation **CONDITIONAL FULL PERMISSION**

Decision Authorisation: Delegated Powers

Application Number: 2025/92681

Officer Recommendation: Conditional Full Permission

Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.
   Reason: Pursuant to the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence.
   Reason: For the avoidance of doubt as to what is being permitted and to accord with Policies LP01, LP02, LP8, LP21, LP22, LP24, LP30, LP35 & LP52 of the Kirklees Local Plan and Policies within Chapters 2, 6, 11, 12, 14, 15 and 16 of the National Planning Policy Framework

3. The use hereby approved shall not take place outside the hours of: 08:00 to 18:00 hours Mondays to Fridays and shall not take place outside the hours of 09:00 to 13:00 hours on Saturdays, Sundays or Public Holidays.
   Reason: To safeguard the amenities of the occupiers of nearby properties to accord with Policies LP24 and LP52 of the Kirklees Local Plan and policies within chapter 15 of the National Planning Policy Framework.

4. At no time shall any repairs, servicing or MOTs be undertaken externally and all such activities shall be undertaken within the buildings as outlined in red upon the submitted drawing titled 'Location Plan' received 8th October 2025.
   Reason: To safeguard the amenities of the occupiers of nearby properties to accord with Policies LP24 and LP52 of the Kirklees Local Plan and policies within chapter 15 of the National Planning Policy Framework.

NOTE: Due to its location, a bat roost may be present on site. Bats are a European protected species under regulation 42 of The Conservation of Habitats and Species Regulations 2017. It is an offence for anyone intentionally to kill, injure or handle a bat, disturb a roosting bat, or sell or offer a bat for sale without a licence. It is also an offence to damage, destroy or obstruct access to any place used by bats for shelter, whether they are present or not. If bats are discovered on site development shall cease and the applicant is advised to contact Natural England for advice.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	-	-	08/10/2025
Garage Floor Plan	01	-	08/10/2025
Application Forms	-	-	08/10/2025
Design and Heritage Statement	-	-	08/10/2025
Climate Change Statement	-	-	08/10/2025

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 Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. No amendments were sought as it was considered that the proposal was acceptable as submitted.