

**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/92906/W

Site: Land at, Station Road / Back Lane, Holmfirth

Description: Certificate of lawfulness for proposed installation of  
EVC bay (within a Conservation Area)

Case Officer: Laura Yeadon

**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 15-Dec-2025**

## **Officer Report**

[Weblink](#)

### **Site Description**

The site is a small triangular section of crushed stone hard surface located along Station Road, which adjoins Back Lane. The site has a wall to the eastern boundary where the land level raises up to Back Lane. To the south of the site are residential dwellings.

The site has been subject to a Certificate of Lawful Development which established that the use of the land for the parking of private vehicles was lawful.

### **Application proposal**

The application is for a certificate of lawfulness for proposed installation of EVC bay (within a Conservation Area). The location of the EVC bay and cabinet would be located along the eastern boundary of the site.

The submitted details state that the unit would be a Zest 50kW EV charger with ancillary equipment which would be wrapped in black. The dimensions of the unit would be a maximum of 1.12 metres in width, maximum of 1.93 metres in height with a maximum depth of 0.6 metres. A 1.3 metres x 0.5 metre x 0.9 metres housing cabinet is also proposed.

**Officer Note:** The onus is on the applicant to provide evidence which states why the proposal fits with the permitted development legislation. In this case the application form states that *'Zest proposes to install EV charging equipment on site, in accordance with permitted development legislation (schedule 2, Part 2, Class E). The site is lawfully car parking and therefore this application is falling within PD.'*

The covering letter accompanying the application states the following:

*We note that a similar prior approval application was recently found not lawful by Kirklees Council (ref: 2024/93604). However, since that decision, the permitted development legislation has been updated (May 2025), removing the previous requirement for EV upstands to be set a minimum of 2 metres from the back of the kerb. Accordingly, the proposed development now complies with the updated GPDO requirements.*

*The proposed development complies with all limitations and conditions of Class E, including:*

- *Upstand height not exceeding 2.7 metres;*
- *Not within the curtilage of a listed building or scheduled monument;*
- *Not within the curtilage of a residential building;*
- *One upstand per parking space.*

## **Relevant Planning History**

- 1998/93146 Change of use of vacant land to taxi rank for four taxis and erection of office (within a Conservation Area)  
*Refused*
- 2000/91455 Change of use of existing public house to two dwellings (within a Conservation Area)  
*Conditional Full Permission*
- 2024/93000 Certificate of lawfulness for existing use of land for the parking of vehicles (within a Conservation Area)  
*Granted*
- 2024/93604 Certificate of lawfulness for proposed installation of EV charging equipment (within a Conservation Area)  
*Refused*
- 2025/90944 Installation of 50kwh charger with ancillary electrical equipment as part of a community charging installation (within a Conservation Area)  
*Under consideration – not yet determined*

## **History of Negotiations**

No negotiations have taken place

## **Consultations**

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

## **Law**

The site has no policy-based constraints in respect of Permitted Development. As such, the application falls to be considered under the relevant legislation as follows:

The Town and Country Planning Act 1990, Section 55 and the Town and Country Planning (General Permitted Development) (England) Order 2015(as amended).

## **Issues and Assessment**

The main considerations in the determination of this application are:

1. Whether the proposed development would constitute development as defined section 55 of the Town and Country Planning Act 1990; If so, whether Permitted Development rights apply to the property; and

1. Whether the proposed development falls within permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 2 (Minor operations) Class E (electrical upstand for recharging vehicles).

The proposal comprises the installation of an EVC bay and associated equipment and therefore is an operation on the land. As such, it is regarded as being development as defined by section 55 of the Town and Country Planning Act 1990.

The application therefore falls to be considered under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 2 (Minor operations), Class E (electrical upstand for recharging vehicles).

### **Permitted Development**

**E.—** (1) The installation, alteration or replacement, within an area lawfully used for off-street parking, of an upstand with an electrical outlet mounted on it for recharging electric vehicles.

**Comment:** *The area of land subject to the location of the equipment is a lawful use of the land as concluded within application 2024/93000.*

(2) The installation, alteration or replacement, at ground level within a non-domestic area lawfully used for off-street parking, of—

(a) equipment necessary for the operation of an upstand the installation of which would be permitted by this Class;

(a) a unit of equipment housing for the storage of equipment necessary for the operation of an upstand the installation of which would be permitted by this Class.

**Comment:** *The works would comply with this criteria as the submitted plans demonstrate the charging point and equipment cabinet.*

### **Development not permitted**

**E.1 (1)** Development is not permitted by paragraph E(1) if the upstand and the outlet would –

(a) in relation to an upstand and outlet –

(i) within the curtilage of a dwellinghouse or a block of flats, exceed 1.6 metres in height from the level of the surface used for the parking of vehicles; or

(i) in any other case, exceed 2.7 metres in height from the level of the surface used for the parking of vehicles

**Comment:** *The upstand and outlet would not be within the curtilage of a dwellinghouse or a block of flats and the height if the upstand and outlet would not exceed 2.7 metres.*

(a) Omitted

**Comment:** Not applicable

(b) be within a site designated as a scheduled monument;

**Comment:** *The site is not designated as a scheduled monument.*

(c) be within the curtilage of a listed building or

**Comment:** *The site is not within the curtilage of a listed building.*

(d) result in more than 1 upstand being provided for each parking space.

**Comment:** *No more than 1 upstand is being proposed within the site area boundary.*

(2) Development is not permitted by E(2)(a) if the equipment is would not be contained within equipment housing the installation of which would be permitted in this Class.

**Comment:** *The equipment would be contained within equipment housing.*

(3) Development is not permitted by paragraph E(2)(b) if—

(a) it would result in there being more than 1 unit of equipment housing within a non-domestic area lawfully used for off-street parking;

**Comment:** *The parking area is a lawful use as determined under application number 2024/93000 and only 1 unit of equipment housing.*

(a) the unit of the housing would –

- (i) have a volume exceeding 29 cubic metres;
- (i) exceed 3 metres in height;
- (ii) be within 5 metres of a highway;
- (iii) between 10 metres of the curtilage of a dwellinghouse or block of flats;
- (iv) be within a site designated as a scheduled monument;
- (v) be within the curtilage of a listed building.

**Comment:** *The unit of housing would not exceed 29 cubic metres; would not exceed 3 metres in height; would not be within a site designated as a heritage asset and would not be within the curtilage of a listed building. However, the*

*unit of housing would be within 5 metres of a highway and within 10 metres of the curtilage of a dwellinghouse (1 Back Lane).*

**Conditions:**

**E.2** Development is permitted by Class E subject to the conditions that when the development is no longer needed as a charging point for electric vehicles—

(a) the development is removed as soon as reasonably practicable; and

(a) the land on which the development was mounted or into which the development was set is, as soon as reasonably practicable, and so far as reasonably practicable, reinstated to its condition before that development was carried out.

**Conclusion:**

The proposal has been considered against the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is recommended for refusal.

**Recommendation:** Refusal

**Decision Authorisation – Delegated Powers**

**Application Number:** 2025/92906

**Officer Recommendation;**

The proposed installation of an electrical outlet with equipment housing would not benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 2, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) as the equipment housing would be within 5 metres of a highway and within 10 metres of a dwellinghouse contrary to E.1(3)(b)(iii) and E.1(3)(b)(iv) of the Order.

Plans and specifications schedule:-

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
Application form	PP-14415839		17 <sup>th</sup> October 2025
Covering letter	Zest		17 <sup>th</sup> October 2025
Location plan	ZST-0000-01 – Rev: B		17 <sup>th</sup> October 2025
Existing layout	ZST-0000-02 – Rev: B		17 <sup>th</sup> October 2025
Proposed layout	ZST-000-03 – Rev: B		17 <sup>th</sup> October 2025
Proposed elevations	ZST-000-09 – Rev: B		17 <sup>th</sup> October 2025
Proposed plans	ZST-000-07-01 – Rev: C		17 <sup>th</sup> October 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 2024 and otherwise actively engaged with the applicant in dealing with the application.

**Dated:** 26<sup>th</sup> November 2025