

**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/93374/E

Site: Studio Mills, 199, Huddersfield Road, Mirfield,
WF14 9DQ

Description: Certificate of lawfulness for proposed change of
use of studio to residential (one dwelling)

Case Officer: Laura Yeadon

Decision Reference: PROPOSED USE 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 02-Feb-2026

Officer Report

Reference: 2025/93374

Applicant: Photography Works

Location: Studio Mills, 199, Huddersfield Road, Mirfield, WF14 9DQ

Proposal: Certificate of lawfulness for proposed change of use of studio to residential (one dwelling)

Site description:

The application site relates to a former photography studio which cease operation on 31st August 2025. The building is located within a mixed use area with commercial properties to the south of Huddersfield Road and residential to the north. The building itself is detached and is two storeys in height. Access to the site is from a private access road which serves the commercial buildings.

Description of development:

The applicant seeks a Certificate of Lawful Development to change the use of the studio to a residential property (one dwelling).

The submitted details state that:

'The mill for the last 17 years, consisting of two floors, has been used as a photography studio. The studio also has areas for prop storage, has two offices, a fully functioning kitchen, a model dressing room, and full bathroom and toilet facilities. The previous company that owned the mill, 17 years previous (prior to 2009) used the space for offices and storage and the existing internal facilities have been upgraded over the years. The previous company was a flooring company.'

Representations:

We are currently undertaking statutory publicity requirements, as set out at Table 1 and Table 2 in the Kirklees Development Management Charter.

This application has been available on the Kirklees Website for public view.

Consultation responses:

No consultations were deemed necessary for this proposal as it is an application for a Lawful Development Certificate.

Relevant Policy/Legislation:

The Town and Country Planning (General Permitted Development) (England) Order 2015

The relevant Test:

The burden of proof lies firmly with the Applicant and the relevant test for whether the operations can be deemed lawful is the 'balance of probability'.

The applicant's evidence does not need to be corroborated by 'independent' evidence. If the Local Planning Authority has no evidence of their own, or from others, to contradict or otherwise make the Applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the granting of a certificate on the balance of probability.

Limitations:

The LDC must contain precise details of what use or operation are found to be lawful, why and when. The details will not be legally equivalent to a planning condition or limitation. They will be a point of reference specifying what was lawful at a particular date, against which any subsequent change may be assessed. If the use subsequently intensifies or changes in some way to the point where a 'material' change of use takes place, Local Planning Authority may then consider further development has taken place.

Relevant Planning History:

None

Evidence submitted in support of the application:

- Application form
- Ground floor plan
- First floor plan

Evidence submitted against the application:

None

Evidence obtained from Council Records and other sources:

- Council's mapping Gazetteer
- Internet

Site visit:

Not required

Assessment:

Section 55 of the Act establishes that the making of a material change of use of a building represents development. The consideration is whether such a

proposed change of use is material for the purposes of Section 55, and secondarily, if it is material, whether the change of use would be permitted development under schedule 2 of the General Permitted Development Order.

In this case, the application form states that the current use of the building is Use Class E(c)(ii). This is classified as Professional services (other than health or medical services). The details submitted state that the building was previously used as a photography studio and that the studio has areas for prop storage, two offices, a fully functioning kitchen, a model dressing room and full bathroom facilities.

Schedule 2, Part 3 of The Town and Country Planning (General Permitted Development) (England) Order 2015 allows for development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order under Class MA or under Class G if deemed to be a mixed use Class E/C3 as defined by the Use Classes Order 1987 (as amended).

However, under condition MA.2 (2) and G.1(d), the Order states that the developer must apply to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required. Therefore, there is no provision to change the use of a Class E use to C3 use without the benefit of either prior approval or full planning permission.

As such, the application fails to comply with the requirements of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Conclusion:

Based on the information submitted, on the balance of probability, the proposed change of use of the building from Class E(c)(ii) to Class C3 as defined by the Use Classes Order 1987 (as amended) does not fall within the boundaries of permitted development rights under any class within Part 3 of Schedule 2 of the of the Town & Country Planning (General Permitted Development) (England) Order 2015. It is recommended that the application be refused.

Recommendation: Refuse Certificate

Decision Authorisation: - Delegated Powers

Application number: 2025/93374

Officer Recommendation: Refuse Certificate

Reason:

Based on the information submitted the proposed change of use of the building from Class E(c)(ii) to Class C3, as defined by the Use Classes Order 1987 (as amended), does not benefit from any planning permission by virtue of Part 3 of the Town and Country Planning Act 1990 or by Article 3(1) of permitted development rights under any Class within Part 3 of Schedule 2 of the of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) as prior approval from the Local Planning Authority would be required prior to the use commencing.

Plan Type	Reference	Version	Date Received
Application form	PP-14480823		9 th December 2025
Location plan	PP-14480823v1		9 th December 2025
Ground floor plan			9 th December 2025
First floor plan			9 th December 2025

Dated: 28th January 2026