

**KIRKLEES METROPOLITAN COUNCIL
DEVELOPMENT & MASTER PLANNING SERVICE**

DEVELOPMENT MANAGEMENT

**Town and Country Planning (General Permitted Development) (England)
Order 2015(as amended) - Schedule 2, Part 3, Class MA**

**DELEGATED DECISION FOR PRIOR APPROVAL FOR CHANGE OF USE
FROM COMMERCIAL, BUSINESS AND SERVICE USES TO
DWELLINGHOUSES**

Reference no.	2025/CL/93525/E
Site Address	ground floor, 2, Bridge Street, Batley, WF17 5NU
Description	Prior notification for change of use from commercial/business/service to 4 dwellings
Recommending Officer	Elenya Jackson

DECISION - 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:23-Feb-2026

Officer Report.

Reference: 2025/93525

Location: ground floor, 2, Bridge Street, Batley, WF17 5NU

Proposal: Prior notification for change of use from commercial/business/service to 4 dwellings

Site Description.

2, Bridge Street, Batley, WF17 5NU is detached, two storey brick built structure which is located on the southern side of Bridge Street, 51m north of Bradford Road.

The building is located 59m north of Batley Town Centre. The building appears currently vacant and has a commercial use at both levels.

The wider area is mixed use with residential properties to the north of the site and commercial to the south.

The site is located in a low risk coal area

Description of Proposal.

The proposal seeks to confirm that the change of use from a change of use from commercial/business/service to four flats is permitted development under Class MA of the General Permitted Development Order (2015) (as amended).

The dwellings would occupy the lower ground floor of the building and retain the commercial use at first floor; however, there is a simultaneous full planning application for the first floor to also be converted.

History of Negotiations / Amendments Received.

No negotiations took place, and no amended plans were sought or submitted during the course of the application.

Relevant Planning History.

2025/93526: Alterations to convert first floor to 4 flats. Pending consideration.

Representations.

The application was advertised via a site notice. As a result of publicity, no representations were received.

Procedural Matters.

The proposal constitutes development as defined within Section 55 of the Town and Country Planning Act 1990. The General Permitted Development

Order 2015 Schedule 2 Part 3 Class MA (As inserted 2021) permits the following development:

'MA. 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.'

The proposal is considered to be covered within this Class, and is thus authorised subject to the restrictions, conditions and prior notification procedure outlined in Paragraphs MA.1, MA.2 and MA.3.

Limitations for Part 3, Class MA.1 Development.

Development is not permitted: -

(a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;	Sub-paragraph (a) has been omitted.
(b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;	No supporting documents have been provided to confirm the use of the site and officers have reviewed google imaging and there is no indication of a commercial use within class E post 2009. The submitted application form confirms that the building has been in use, for a continuous period of at least 2 years immediately prior to the date of this application, under one or more of the classes specified in sub-paragraph (2). If prior approval is granted the applicant would still need to demonstrate the use complies with this section.
(c) The cumulative floor space of the existing building changing use under Class MA exceeds 1500 square metres;	Sub-paragraph (c) has been omitted.
(d) if land covered by, or within the curtilage of, the building— (i) is or forms part of a site of special scientific interest; (ii) is or forms part of a listed building or land within its curtilage; (iii) is or forms part of a scheduled monument or land within its curtilage; (iv) is or forms part of a safety hazard area; or (v) is or forms	Pass: The land covered by, or within the curtilage of, the building does not fall within any of the categories labelled from i to v.

part of a military explosives storage area;	
(e) if the building is within— (i)an area of outstanding natural beauty; (ii)an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(3); (iii)the Broads; (iv)a National Park; or (v)a World Heritage Site;	Pass: The building is not in any category in Paragraph (e).
(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;	Pass: The submitted application form confirms that the site is not occupied under any agricultural tenancy.
(g) before 1 August 2022, if— (i)the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1 st August 2021; and (ii)the development would not have been permitted under Class O immediately before 1 st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.	Pass: The submitted application form confirms that the building is not within any land affected by an Article 4 Direction.

Paragraph MA.2 outlines a set of three conditions that the developer must adhere to. MA.2(2) states:

‘(2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (a) transport impacts of the development, particularly to ensure safe site access;
- (b) contamination risks in relation to the building;
- (c) flooding risks in relation to the building;
- (d) impacts of noise from commercial premises on the intended occupiers of the development;
- (e) where-(i)the building is located in a conservation area, and (ii)the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;
- (h) where the development involves the loss of services provided by-
 - (i) a registered nursery, or
 - (ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services lost, and
- (i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building'

Paragraph MA.3 stipulates the need for the developer to comply with Paragraph MA.2(2)(i) which ensures developments meet the fire risk condition, the fire safety impacts on the intended occupants of the building.

Assessment.

As per Part 3, Class MA, Paragraph MA.2(2), the local planning authority must assess the impact on several matters.

Transport and Highway Impacts

The proposal seeks prior notification for the change of use of an existing commercial/business/service building to one dwelling.

KC Highway Development Management have been informally consulted on the proposal and have raised no concerns as the site is in a sustainable location.

No details have been provided regarding the location of bin storage and HDM requests that this is clearly presented on a plan to ensure they do not obstruct the highway

Officers consider the site is in a sustainable location where a car-free development could be supported.

However, officers consider it reasonable to impose a condition requiring details of the location of bin storage areas and presentation points, to ensure that adequate waste storage facilities are provided in the interests of visual and residential amenity and highway safety.

As such, it is considered that the transport and bin storage details are acceptable in this instance.

Flooding Risks

The site is not located within a Flood zone; therefore, the proposal would not raise any concerns regarding floor risk.

Noise Impacts

MA.2(2)(d) requires the LPA to assess impacts of noise from commercial premises on the intended occupiers of the development.

The site has commercial buildings in its wider area, with some residential dwellings located opposite and within the wider locality.

Officers consider it reasonable to impose two conditions requiring the submission of a noise assessment report and an airborne sound insulation performance report to the Local Planning Authority. These conditions are necessary in the interests of protecting the amenity of future occupiers. It is therefore concluded that conditions should be imposed to ensure that any mitigation measures identified are implemented to an acceptable standard.

Conservation Area

MA.2(2)(e) requires the LPA to consider the heritage impacts of the development 'where (i)the building is located in a conservation area, and (ii)the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area.'

This is not applicable in this instance.

Provision of Natural Light

MA.2(2)(f) requires the provision of adequate natural light to all habitable rooms of the dwellinghouse.

The submitted floor plans demonstrate that most habitable rooms will be served by at least one window with bedroom 1 served by two windows to the front of the building. However, the submitted floor plans indicate that the bedroom within the north east flat is to be served by a "new high level window" which currently does not exist. As no planning permission or permitted development rights have been demonstrated, this bedroom would not benefit from any natural light.

Equally, the existing doors in to the ground floor east elevation are solid with the proposed lounge and kitchen of this flat directly behind. Whilst there is a small existing window in the north east elevation serving the lounge , it is considered to be too small to allow light to sufficiently penetrate the kitchen dining area.

No natural light assessment report has been provided to demonstrate otherwise.

The criterion under Class MA only allows the Local Planning Authority to consider natural light rather than residential amenity. Therefore it is considered that not all the property would receive adequate natural light and as such, would not be acceptable with regard to MA.2(2)(f).

Commercial Impacts

MA.2(2)(g) is not considered applicable as the authority do not consider the surrounding area to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses.

Furthermore, the proposal to convert the building does not result in the loss of a nursery or health care centre and would therefore accord with MA.2(2)(h).

Fire Risk

MA.2(2)(i) states that where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building. The development is for two apartments which would not exceed the height of the building as outlined within article 9A of the General Management Procedure Order 2015. Therefore, the proposal would meet the fire risk condition.

Space Standards

Article 3(9A) of the Town and Country Planning (General Permitted Development) (England) Order (as amended) precludes any grant of planning permission where the gross floor area of any new dwelling does not exceed 37 sq. metres or does not meet nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

The floor space as shown on plan indicates the floor space is between 37 and 42 square metres. Therefore it is considered that the proposal would meet space standards for at least one person.

Conclusion.

The application has been submitted with sufficient information to allow the Local Authority to assess the above relevant impacts.

It is considered that not all habitable room windows will receive adequate natural light, particularly the absence of any existing window in the bedroom of the flat located in the north east corner of the ground floor and insufficient light penetrating into the living/kitchen/dining area in the flat located behind the existing solid doors on the east elevation.

Recommendation: Details Approved

Decision Authorisation – Delegated Powers
Application Number: 2025/93385
Officer Recommendation: Approve Details

It is considered that not all habitable room windows will receive adequate natural light, particularly the absence of any existing window in the bedroom of the flat located in the north east corner of the ground floor and insufficient light penetrating into the living/kitchen/dining area in the flat located behind the existing solid doors on the east elevation.

Plans and Specifications Schedule: -

Plan Type	Reference	Version	Date Received
Grouped Plans and elevations		PL-01	5/12/2025
Fire safety		-	5/12/2025
Application form	-	-	5/12/2025