

PLANNING STATEMENT & EVIDENCE STATEMENT

location	Helm Farm Colne Bridge Bradley Huddersfield, HD5 0PU.
application	Certificate of Lawfulness (existing) for use of Building as Workshop.
client/applicant	Mrs Dransfield & Mrs Atkinson
job number	25/1242
date	February 2026

INTRODUCTION

This application for a Certificate of Existing Lawful Development is submitted to the Local Planning Authority (Kirklees Council) under section 191 of the Town and Country Planning Act 1990 (as amended).

The date of this application is 3rd March 2026.

The applicants are Mrs Dransfield & Mrs Atkinson.

The subject building of this application is a former agricultural building. A modern 6 bay portal frame structure measuring circa 9.2m wide x 27.5m long. The building is located to the South East of the cluster of other derelict former agricultural buildings at Helm Farm HD5 0PU.

The building has a roller shutter to the front/front/principal elevation (North East) and a personnel door to the North West (side) elevation. The building has a concrete slab floor structure, blockwork to circa 2.9m above slab level with timber and profiled sheet vertical cladding to high level with a profiled sheet roof covering incorporating some translucent sheets for provision of natural light.

The building has an electrical supply and an independent heating system within.

Access to the building is via the unadopted access from Bog Green Lane or via Paul Lane – all as indicated on the submitted location plan.

The applicants grew up on the family farm with Mrs Jane Atkinson still living on the farm (119 Paul Lane, Bradley, Huddersfield, HD5 0PU). The farm has been in the family dating back to 1946, going back over three generations.

The subject building was historically an agricultural building but ceased use for agricultural purposes many years ago in 1985 when Mr Dransfield ceased keeping livestock and opened up a fast-food takeaway.

Since May 2002 the subject building has been in continuous use for the maintenance and repair of vehicles ranging from construction plant (diggers, dumpers tipper waggons) to old collectible vehicles (collectable cars and a traction engine) and the storage of a motor boat July 1993 – to date).

The building was used from May 2002 – May 2017 as a formal good vehicle operating centre (evidence submitted).

The general use of the building since 2005 to date have been a workshop for the repair and maintenance of vehicles, non-agricultural vehicles. Various and substantial evidence is submitted to evidence the above and the continuous use of the building from May 2002 to date.

Mr Nigel Atkinson, Jane Atkinsons husband, has used this workshop for the maintenance and repair of vehicles continuously since 2002. At no time throughout this period (May 2002 – to date) has the building been used for agricultural purposes.

In addition to the OS Location Plan and existing block plan existing plans and elevations of the subject building also accompany this formal certificate of lawfulness (existing) application.

PLANNING HISTORY

There is no planning history relating to the subject building on the publicly accessible planning website.

APPLICATION

This application is made under the ten-year immunity rule of Section 171B Town & Country Planning Act 1990 (as amended) – Paragraph (3) (*In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.*)

The development in question relates to the following aspect of ‘development’ as defined under Section 55 of The Town and Country Planning Act (meaning of development);
“Subject to the following provisions of this section, in this Act, except where the context otherwise requires, “development,” means 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.”

We contend this overall application provides relevant and sufficient justification to evidence and support this application to enable the LPA to issue the certificate of lawfulness for the existing building/use.

We contend this use falls within use class B2 (general Industrial) planning use.

A whole range of vehicles have been kept, stored within and worked on within the subject building (general engineering works and engine mechanical works)

The building and use has been insitu for well in excess of 10 years prior to the date of this application.

This application relates to the building and its use as referenced (shaded red) on the submitted OS existing block plan/location plan and accompanying floor plans/elevations.

The red line area, not shaded in red, simply identifies the access to the subject building from the public highway, from both Bog Green Lane and Paul Lane.

Accompanying this application, under separate cover, is a series of evidence, including sworn statements, supporting the application.

We contend this application, when considered as a whole, demonstrates the ‘*balance of probability*’ in favour of the application.

LAWFUL DEVELOPMENT LEGISLATION

The legislation sets out (Section 191 – 1);

“If any person wishes to ascertain whether—

- (a) any existing use of buildings or other land is lawful;*
 - (b) any operations which have been carried out in, on, over or under land are lawful; or*
 - (c) any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful,*
- he may make an application for the purpose to the local planning authority specifying the land and describing the use, operations or other matter.”*

Point A & B above are relevant on this application.

Section 191 (2) goes on to state:

“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*
- (b) they do not constitute a contravention of any of the requirements of any enforcement notice then in force.*

Section 171B confirms the time limits for enforcement action;

- (1) Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of—

(a) in the case of a breach of planning control in England, ten years beginning with the date on which the operations were substantially completed*
- (2) Where there has been a breach of planning control consisting in the change of use of any building to use as a single dwellinghouse, no enforcement action may be taken after the end of the period of—
(a) in the case of a breach of planning control in England, ten years beginning with the date of the breach*
- (3) In the case of any other breach of planning control, no enforcement action may be taken after the end of the period of ten years beginning with the date of the breach.*

Statutory requirements of the Town and Country Planning (Development Management Procedure) Order 2010

As required by this secondary legislation, Part 8 (39) states that such an application must be accompanied by the following information (responses shown in **RED**):

(a) A plan identifying the land to which the application relates drawn to an identified scale and showing the direction of North; (**SUBMITTED WITH THIS APPLICATION - SEE THE ACCOMPANYING 1:1250 LOCATION PLAN**)

(b) such evidence verifying the information included in the application as the applicant can provide; (**SEE ACCOMPANYING EVIDENCE AND SWORN STATEMENTS**) and;

(c) A statement setting out the applicant's interest in the land, the name and address of any other person known to the applicant to have an interest in the land and whether any such other person has been notified of the application. **THE APPLICANTS, MRS DRANSFIELD & MRS ATKINSON ARE THE LAND/PROPERTY OWNERS. THERE ARE NO OTHER OWNERS OR PARTIES THAT HAVE AN INTEREST IN THE LAND/PROPERTY.**

Guidance and case law for Lawful Development Certificate applications

The National Planning Practice Guidance 'Lawful Development Certificates', paragraph 006, states;

"In the case of applications for existing use, if a local planning authority has no evidence itself, nor any 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 grant of a certificate on the balance of probability."

Case law notes that the '*balance of probability*' test is less onerous than that of '*beyond reasonable doubt*'. Moreover, the courts have held that the applicant's own evidence does not need to be corroborated by independent evidence in order to be accepted (*Gabbitts v Secretary of State for the Environment and Newham LBC* [1985] J.P.L. 630).

Although the site is relatively remote and secluded, we contend no attempt has been made to conceal the development, it is important to note that the public cycle route runs alongside the application site as noted on the submitted OS Plans.

We contend this statement along with the documents provided clearly evidences that the subject building and B2 planning use class has existed, in continuous use, well in excess of ten years.

CONCLUSION

It is submitted that the existing building and its use as a general mechanical/engineers workshop use for maintaining and repairing varying vehicles is lawful at the date of this application under Section 191 of the Town & Country Planning Act.

We contend that the evidence submitted is considered to be sufficiently precise and unambiguous to prove, on the '*balance of probabilities*', that the building and use has been existing and in continuous use for a period of more than ten years from the date of this application. This comprises the minimum required ten-year immunity time period before the date of this S191 Certificate of Lawfulness application.

Finally, as the Planning Practice Guidance recommends, at paragraph 006, should the Local Authority obtain its own evidence, this needs to be shared with the applicant to enable comment and the opportunity, if necessary, to produce counter-evidence.

In light of the above, we respectfully submit that the aforementioned development is indeed lawful, and request that the Local Planning Authority grant the Certificate of Lawfulness accordingly.

Should any further information or clarification be required please don't hesitate to contact us.

It would be appreciated if you could contact Paul Matthews Architectural Ltd prior to drafting up your recommendation for determination.

APPENDIX A
(Building photo – taken on 06-09-2021)

