

**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.: 2026/CL/90813/W

Site: land at, Market Place, New Street, Huddersfield,
HD1 2AA

Description: Certificate of lawfulness for proposed electricity
sub-station (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.**

John Holmes

AUTHORISED OFFICER

Date 12-Jun-2026

Officer Report

[Weblink](#)

Site Description

The application site would be within Market Place, Huddersfield on an area of pedestrian land which is located within the Huddersfield Town Centre Conservation Area and is surrounded by a number of Listed Buildings.

Application proposal

The application is for a certificate of lawfulness for proposed installation of an electricity undertaking in the form of a proposed erection of a substation. The application form states that the electricity substation would have a Kingsley stone finish to match the existing surroundings and that the proposed chamber measures 3m x 3m. The application form also refers to a drawing number however this has not been included as part of the submission.

Section 192(1) of the Act provides that if any person wishes to ascertain whether any operations proposed to be carried out in, on, under or over land would be lawful then they make an application to the Local Planning Authority (LPA). If upon application the LPA are satisfied that the operations described within the application would be lawful if instituted at the time of the application the LPA shall issue a Certificate to that effect. In any other case the LPA shall refuse the application.

Relevant Planning History

1995/91806 – Conservation Area Consent for demolition of existing public conveniences and police office – Consent Granted

1995/91807 – Listed Building Consent for restoration and relocation of Market Cross – Consent Granted

1995/91808 – Erection of public facility building and relocation of Market Cross (Listed Building) – Granted

History of Negotiations

None

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).

The substation would be visible as it would be situated at ground level and therefore the would therefore constitute development as defined by Section 55 of the Town and Country Planning Act 1990.

Assessment:

Applications for Certificate of Lawful Developments for the erection of a substation assessed against the general permission conferred by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Specifically, Schedule 2, Part 15, Class B of the Order sets out the Permitted Development Rights which relates to *‘development by statutory undertakers for the generation, transmission. Distribution or supply of electricity for the purposes of their undertaking’*.

The application form states that the works are to be assessed under Part 15, Class B(a).

Part 15 – Power related development

Class B – electricity undertakings

Permitted development

B. Development by statutory undertakers for the generation, transmission, distribution or supply of electricity for the purposes of their undertaking consisting of—

- (a) the installation or replacement in, on, over or under land of an electric line and the construction of shafts and tunnels and the installation or replacement of feeder or service pillars or transforming or switching stations or chambers reasonably necessary in connection with an electric line;
- (a) the installation or replacement of any electronic communications line which connects any part of an electric line to any electrical plant or building, and the installation or replacement of any support for any such line;
- (b) the sinking of boreholes to ascertain the nature of the subsoil and the installation of any plant or machinery reasonably necessary in connection with such boreholes;
- (c) the extension or alteration of buildings on operational land;
- (d) the erection on operational land of the undertaking of a building solely for the protection of plant or machinery;

- (e) any other development carried out in, on, over or under the operational land of the undertaking.

Comment: *The application form states that the work is permitted development under Class B(a).*

Development not permitted

B.1 Development is not permitted by Class B if—

(a) in the case of any Class B(a) development—

- (i) it would consist of or include the installation or replacement of an electric line to which section 37(1) of the Electricity Act 1989 (consent required for overhead lines) applies; or
- (i) it would consist of or include the installation or replacement at or above ground level or under a highway used by vehicular traffic, of a chamber for housing apparatus and the chamber would exceed 29 cubic metres in capacity;

Comment: *No information has been submitted to clarify if the works would consist of or include the installation or replacement of an electrical line to which section 37(1) of the Electricity Act 1989 (consent required for overhead lines) applies. In addition, the application form states that the chamber would be 3m x 3m and would be less than 29 cubic metres however no plans have been submitted to clarify the dimensions.*

(a) in the case of any Class B(b) development—

- (i) the development would take place in a National Park, an area of outstanding natural beauty, or a site of special scientific interest;
- (i) the height of any support would exceed 15 metres; or
- (ii) the electronic communications line would exceed 1,000 metres in length;

Comment: *Not applicable*

(b) in the case of any Class B(d) development—

- (i) the height of the original building would be exceeded;
- (i) the cubic content of the original building would be exceeded by more than 25% or, in the case of any building on article 2(3) land, by more than 10%, or
- (ii) the floor space of the original building would be exceeded by more than 1,000 square metres or, in the case of any building on article 2(3) land, by more than 500 square metres;

Comment: *Not applicable*

- (c) in the case of any Class B(e) development, the building would exceed 15 metres in height, or

Comment: *Not applicable*

(d) in the case of any Class B(f) development, it would consist of or include—

- (i) the erection of a building, or the reconstruction or alteration of a building where its design or external appearance would be materially affected, or
- (i) the installation or erection by way of addition or replacement of any plant or machinery exceeding 15 metres in height or the height of any plant or machinery replaced, whichever is the greater.

Comment: *Not applicable*

Conditions:

B.2 Development is permitted by Class B subject to the following conditions—

- (a) in the case of any Class B(a) development consisting of or including the replacement of an existing electric line, compliance with any conditions contained in a planning permission relating to the height, design or position of the existing electric line which are capable of being applied to the replacement line;
- (a) in the case of any Class B(a) development consisting of or including the installation of a temporary electric line providing a diversion for an existing electric line, on the ending of the diversion or at the end of a period of 6 months from the completion of the installation (whichever is the sooner) the temporary electric line is removed and the land on which any operations have been carried out to install that line is restored as soon as reasonably practicable to its condition before the installation took place;
- (b) in the case of any Class B(c) development, on the completion of that development, or at the end of a period of 6 months from the beginning of that development (whichever is the sooner) any plant or machinery installed is removed and the land is restored as soon as reasonably practicable to its condition before the development took place; and
- (c) in the case of any Class B(e) development, approval of details of the design and external appearance of the buildings must be obtained, before development is begun, from—
 - (i) in Greater London or a metropolitan county, the local planning authority,
 - (i) in a National Park, outside a metropolitan county, the county planning authority,
 - (ii) in any other case, the district planning authority.

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.

The National Planning Policy Guidance (NPPG) states:

'the applicant is responsible for providing sufficient information to support an application, although a local planning authority always needs to co-operate with an applicant who is seeking information that the authority may hold about the status of the land.' The NPPG goes on to state that *'in the case of applications for proposed development, an applicant needs to describe the proposal with sufficient clarity and precision to enable a local planning authority to understand exactly what is involved.'*

To comply with the above legislation the criteria for Class B(a) development is the following:

(a) the installation or replacement in, on, over or under land of an electric line and the construction of shafts and tunnels and the installation or replacement of feeder or service pillars or transforming or switching stations or chambers reasonably necessary in connection with an electric line;

In this case, the submission contains an application form and location plan. No details have been submitted to clearly demonstrate that the proposed works are 'reasonably necessary' to be carried out.

Class B.1 details (as assessed above) that development is not permitted if the works would consist of or include the installation or replacement of an electrical line to which section 37(1) of the Electricity Act 1989 (consent required for overhead lines) applies. In addition, the chamber cannot be more than 29 cubic metres in capacity.

As detailed above, limited information has been submitted within the application form. No evidence has been submitted to demonstrate that the proposed development would comply with the requirements of Part 15, Class B(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Therefore, the proposed erection of a substation does not benefit from a general planning permission granted by virtue of Article 3(1) and Schedule 2, Part 15, Class B(a) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). It is considered that at the time of this application and on the balance of probability, the information is limited, unclear and ambiguous and the details do not specifically demonstrate that the proposed development is, as a matter of fact and degree, lawful for the purposes of planning control

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form			16 th April 2026
Photograph			16 th April 2026
Location plan	YP30570		16 th April 2026