

**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/90873/E

Site: C R Longley And Co Ltd, Ravensthorpe Road,
Thornhill Lees, Dewsbury, WF12 9EF

Description: Certificate of lawfulness for proposed erection of a
temporary building

Case Officer: Laura Yeadon

Decision Reference: LAWFUL 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.**

Kirsty Nicholls

AUTHORISED OFFICER

Date 23-Jul-2026

Officer Report

[Weblink](#)

Site Description

The application relates to an existing industrial site which is located on land without notation within the Kirklees Local Plan. The information contained within the application details that the site currently operates under a Use Class B2 (General Industry) with some B8 (storage and distribution) classification.

Application proposal

A Certificate of Lawful Development is sought for the erection of a temporary building.

The submitted details indicate that the building is required for a period of 3 years and that it is intended to allow for continued manufacturing and investment whilst permission is sought for an approval to a permanent structure on an identical footprint.

The plans demonstrate and are annotated to note that the proposed temporary structure would have a ground floor area of 1092m². The width of the building would be approximately 35 metres with a depth of approximately 30 metres with an eaves height of approximately 5.5 metres with an overall height of approximately 10.2 metres.

The proposed construction materials would be vertical cladding for the walls with a PVC roof and steel roller shutter doors and steel personnel doors.

Note

As part of a Certificate of Lawful Development, the onus is on the applicant to provide evidence which states why the proposal fits with the permitted development legislation. In this case, the applicant has stated on the application form that.... *The application is seeking consent of the Erection of a Temporary structure in accordance with Permitted Development criteria GPDO 2105 Schedule 2 - Part 4 Class A Temporary buildings and Structures.*

Relevant Planning History

2001/91896 – Erection of extension to casting shed – Conditional Full Permission

2017/94080 – Erection of precast concrete production unit, demolition of existing casting shed and ancillary buildings, associated site works to modify external storage areas and installation of gantry cranes – Conditional Full Permission

2019/90788 - Variation of condition 2. (plans and specifications) on previous permission no. 2017/94080 for erection of precast concrete production unit, demolition of existing casting shed and ancillary buildings, associated site works to modify external storage areas and installation of gantry cranes – Approved

2019/92570 - Variation condition 2 (plans and specifications) on previous permission 2017/94080 for erection of precast concrete production unit, demolition of existing casting shed and ancillary buildings, associated site works to modify external storage areas and installation of gantry cranes – Approved

2020/90782 - Discharge of conditions 5 (construction management), 6 (remediation strategy), 14 (landscape), 16 (materials) of previous permission 2019/92570 for variation condition 2 on previous permission 2017/94080 for erection of precast concrete production unit, demolition of existing casting shed and ancillary buildings, associated site works to modify external storage areas and installation of gantry cranes – Approved

A number of applications have been submitted in relation to the Network Rail Improvements Order 2022 deemed Planning Permission which have not been included above.

History of Negotiations

Discussions have been undertaken with the Agent for the proposed works. Concerns were relayed from the Officer that the proposed works would not benefit from permitted development for a temporary building and detailed the reason why. Following email correspondence, the Agent submitted a letter that details the requirement for the building and that the works to commence the development consented by permission 2017/94080 have taken place in terms of drainage, road re-alignment and the treatment of contamination areas. However, it cannot be fully implemented as the production building needs to be retained. Whilst it is noted that the consent was the subject of subsequent variation and discharge of condition applications (which relate to the variation of condition application) the points raised within the letter and will be assessed below.

Consultations

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

Representations

A letter of support has been received from the local MP which sets out the benefits of the development in supporting the operations of the site and continued employment use being able to be undertaken.

Legislation

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).

As a result of the development the external appearance of the existing building would be materially altered, the development also constitutes development upon land and is therefore considered to constitute development as defined by Section 55 of the Town and Country Planning Act 1990.

Assessment:

Applications for Certificate of Lawful Development for temporary buildings and uses are assessed against the general permission conferred by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Specifically, Schedule 2, Part 4, Class A of the Order which sets out the Permitted Development Rights.

The description of development is stated as being '*Certificate of lawfulness for proposed erection of a temporary building*' and therefore the consideration as to whether the building falls within Class A of Part 4 is considered to be the appropriate consideration for the type of development proposed.

Class A – Temporary buildings and uses

This class states the following:

Permitted development:

A. The provision on land of buildings, moveable structures, works, plant or machinery required temporarily in connection with and for the duration of operations being or to be carried out on, in, under or over that land or on land adjoining that land.

Development not permitted:

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

(a)the operations referred to are mining operations, or

(b)planning permission is required for those operations but is not granted or deemed to be granted.

Conditions:

A.2 Development is permitted by Class A subject to the conditions that, when the operations have been carried out—

(a)any building, structure, works, plant or machinery permitted by Class A shall be removed, and

(b)any adjoining land on which development permitted by Class A has been carried out shall, as soon as reasonably practicable, be reinstated to its condition before that development was carried out.

For the use of a temporary building to be permitted development, it must be demonstrated that the building is required temporarily 'in connection with and for the duration of operations being carried out'. No planning permission has been granted for which the temporary building would support during the construction process, therefore the application fails to meet this criteria.

It is noted that reference has been made to the planning history and specifically applications 2017/94080 / 2019/92570 being commenced. Whilst no certificate of lawfulness demonstrates a lawful start has been made to this consent, it is noted that the discharge of conditions of 2019/92570 would have enabled a lawful start to commence and there is no evidence to the contrary to question whether permission 2019/92570 is extant.

It has been stated the commencement works were in the form of drainage, road re-alignment and the treatment of the contamination area. However, the temporary structure the subject of this application would not be to support the full implementation of this permission as the production building is required to be retained to maintain production. The use of the temporary building would not be undertaken directly in connection with the extant permissions, it would be utilised in connection with existing operations undertaken at the site.

The rights as prescribed by Class A of Part 4 are commonly utilised on development sites for the provision of welfare facilities, construction compounds, plant and materials storage. The proposal would not see any such provision and would be utilised for an extended period of the entirety of the implementation of an extant permission for undertaking existing operations from the site.

In *R. (on the application of Wilsdon) v First Secretary of State [2006]* it was held that a substantial building of permanent construction could not be considered to be required temporarily, whether or not it was required for a particular purpose and whether or not there was a professed intention to remove the building later. Sullivan J explained that a "common sense approach" would be adopted to the interpretation of "a building required temporarily", which would be taken to have the same meaning as a "temporary building". Within the consideration of this matter, it was held that whether a building is required temporarily in terms of Part 4 of the GPDO is a matter of fact and degree.

In terms of permanence, *Skerritts of Nottingham Ltd v Secretary of State for the Environment, Transport and the Regions (No.2) [2000]* is relevant which determined that a marquee, which was erected in the grounds of a listed building for eight months each year, was held to be sufficiently permanent so as to fall outside the permitted development in Class A of Part 4 Schedule 2.

In the case *Brown v Hayes and Harlington (1963)* it was established that the requirement of the development was held to mean “incidental” to the main building operation and that Class A does not afford permitted development rights for any change of use for a purpose that is discrete to that of the main operation or development.

The proposal would see a substantially sized building to be used in connection with existing operations undertaken at the site. It would be of a steel frame and cladding construction with a tarpaulin roof, the method of affixing the building to the ground is not set out however it is clear it would require some degree of works to ensure the building is stabilised and remains in place.

The application form states the following:

The structure will be required for a period of 3 years. It is intended to allow for continued manufacturing and investment whilst permission is sought for an approval to a permanent structure on an identical footprint. The subsequent application will address all Policies detailed in the Local Plan which will include Noise, Transport, Heritage, FRA and drainage.

Within subsequent correspondence with the applicant's agent, reference is made to the extant permissions and the development facilitating the continued operations at the site whilst that permission is undertaken.

Reference is made in the application form and subsequent correspondence to previous owners' lack of investment, that the applicant is committed to developing the site and the economic benefits arising from such development and investment. However, as the application currently under consideration is seeking a certificate of lawfulness, the key matter in this case is whether the development is permitted development by virtue of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The representations received from the local MP is noted.

However it is considered that in this case, by virtue of the size, scale, degree of permanence and intended use of the building it cannot be concluded that it falls within the remit of the provisions of Class A of Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). It would be utilised as part of the existing operations undertaken and is of a size and scale which is significant, including its materials of construction. It would have a high degree of permanence by virtue of its design and the timeframe for its retention is such that it could not be

considered temporary in the context of the aforementioned permitted development regulation.

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 temporary building proposed at C R Longley And Co Ltd, Ravensthorpe Road, Thornhill Lees, Dewsbury, WF12 9EF would not meet the criteria for permitted development as set out in Schedule 2, Part 4, Class A of the Town and Country Planning (General Permitted Development) Order 2015 as the temporary building would be of a significant size, scale, would have a high degree of permanence by virtue of its design as well as its timeframe for retention and would not be required to directly support operations to implement an extant planning permission, thus failing to comply with A.1 of the Order.

Recommendation: Refuse Certificate

Decision Authorisation – Delegated Powers

Application Number: 2026/90873

Officer Recommendation:

The temporary building proposed at C R Longley And Co Ltd, Ravensthorpe Road, Thornhill Lees, Dewsbury, WF12 9EF would not meet the criteria for permitted development as set out in Schedule 2, Part 4, Class A of the Town and Country Planning (General Permitted Development) Order 2015 as the temporary building would be of a significant size, scale, would have a high degree of permanence by virtue of its design as well as its timeframe for retention and would not be required to directly support operations to implement an extant planning permission, thus failing to comply with A.1 of the Order.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Location Plan	PP-14688931v1		30 th March 2026
Existing Site Plan	P-001 – Rev: 1		30 th March 2026
Proposed Site Plan	P-002 – Rec: 1		30 th March 2026
Block Plan	P-040 – Rev: 1		30 th March 2026
Existing Elevations	P-010 – Rev: 1		30 th March 2026
Proposed Elevations	P-011 – Rev: 1		30 th March 2026
Existing Floor Plan	P-003 – Rev: 1		30 th March 2026
Proposed Floor Plan	P-004 – Rev: 1		30 th March 2026
Temporary Building Floor Plan	P-005- Rev: 1		30 th March 2026
Existing and Proposed Perspectives	P-030 – Rev: 1		30 th March 2026
Existing and Proposed Sections	P-020 – Rev: 1		30 th March 2026

Plan Type	Reference	Version	Date Received
Plans x 5	ST-26-JW-41642-1 - lbstock(A)		30 th March 2026
Spec Sheet – Thermo Roof			30 th March 2026
Spec Sheet – Steel sheet cladding			30 th March 2026
Spec Sheet – Temporary building frame			30 th March 2026
Spec Sheet – D1 single personnel door			30 th March 2026
Spec Sheet – Electric roller shutter door			30 th March 2026
Planning Letter	Cronin Development Consultancy Ltd		10 th July 2026
Application Form	PP-14688931		30 th March 2026