

**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/91391/W

Site: Cummins Turbo Technology, St Andrew's Road,
Huddersfield, HD1 6RA

Description: Certificate of lawfulness for proposed roof
replacement works

Case Officer: Laura Yeadon

Decision Reference: GRANT CERTIFICATE OF LAWFUL OPPS

**I hereby authorise the approval of this application for the reasons set
out in the officer's report and recommendation annexed below in
respect of the above matter.**

Sarah Longbottom

AUTHORISED OFFICER

Date 16-Jul-2026

Officer Report

[Weblink](#)

Site Description

The application relates to an existing industrial building located within a primary employment area and within the Strategic Green Infrastructure Network within the Kirklees Local Plan. The site itself contains a number of buildings which vary in terms of size and construction materials.

Application proposal

A Certificate of Lawful Development is sought for the proposed roof replacement works.

The submitted details indicate that the existing materials are:

- Curved roof – Goosewing grey
- Aluminium framed clerestory windows – light grey
- Existing solar shades – Goosewing grey
- Existing signage – red

The details indicate that the proposed materials would be:

- Curved roof – Goosewing grey to match
- Aluminium framed clerestory window – light grey to match
- Solar shades – Goosewing grey to match
- Signage - silver

The submitted details also state that there would be no increase in height or footprint to the building and the works are a roof replacement only.

Officer 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 proposal is within the parameters of being lawful under Permitted Development.

Relevant Planning History

In relation to the subject building only:

1996/92610 – Erection of aftermarket building, extension and refurbishment to development building and change of use of Rayners Mill to office accommodation including extension and refurbishment with ancillary car parking and external works – Conditional Full Permission

2000/93606 – Erection of signage – Advertisement Consent Granted

2007/94619 – Erection of illuminated and non-illuminated signs – Granted

2024/91360 – Prior notification for installation of roof mounted solar photovoltaic equipment – Details approved

History of Negotiations

No negotiations have taken place and no amended plans have been requested or submitted.

Consultations

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

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).

The appearance of the external appearance of the building would be materially altered thus constituting development as defined by section 55 of the Town and Country Planning Act 1990.

Assessment:

Applications for Certificate of Lawful Development for the erection, extension or alteration of an existing building or warehouses 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 7, Class H of the Order which sets out the Permitted Development Rights.

The property is a non-domestic property with the description of development stated on the application form as being '*Certificate of lawfulness for proposed roof replacement works*' and therefore Class H is considered the appropriate permitted development class for the type of development proposed, as stated within the submitted information.

Part 7 – Non-domestic extensions, alterations etc

Class H - The erection, extension or alteration of an industrial building or a warehouse

Development not permitted

H.1 Development is not permitted by Class H if –

- (a) the gross floor space of any new building erected would exceed –
 - (i) for a building on article 2(3) land or on a site of special scientific interest, 100 square metres;
 - (i) in another case, would exceed 200 square metres

Comment: *The application does not relate to a new building.*

- (a) the gross floor space of the original building would be exceeded by more than—
 - (i) in respect of an original building or a development on article 2(3) land, 10% or 500 square metres (whichever is lesser);
 - (i) in respect of an original building or a development on a site of special scientific interest, 25% or 1,000 square metres (whichever is the lesser);
 - (ii) in any other case, 50% or 1,000 square metres (whichever is the lesser);

Comment: *No additional floor space would be created*

- (b) the height of any part of the new building erected would exceed—
 - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;
 - (i) in all other cases, the height of the highest building within the curtilage of the premises or 15 metres, whichever is lower;

Comment: *The application does not relate to a new building.*

- (c) the height of the building as extended or altered would exceed—
 - (i) if within 10 metres of a boundary of the curtilage of the premises, 5 metres;
 - (i) in all other cases, the height of the building extended or altered;

Comment: *The building is not within 10 metres of a boundary of the curtilage and the works would replace the existing roof and therefore no increase in height to the building.*

- (d) any part of the development would be within 5 metres of any boundary of the curtilage of the premises;

Comment: *The submitted plans indicate that the proposed part of the building would not be within 5 metres of the boundary of the curtilage.*

- (e) the development would lead to a reduction in the space available for the parking or turning of vehicles; or

Comment: *The development would not lead to reduction in the space available for parking or the turning of vehicles when viewed on aerial maps.*

- (f) the development would be within the curtilage of a listed building.

Comment: *The development would not be within the curtilage of a listed building.*

Conditions

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

- (a) the development is within the curtilage of an existing industrial building or warehouse;

Comment: *The development is within the curtilage of an existing industrial building or warehouse as an office block which is an ancillary to the purposes of the wider industrial site.*

- (a) any building as erected, extended or altered is only to be used—
 - (i) in the case of an industrial building, for the carrying out of an industrial process for the purposes of the undertaking, for research and development of products or processes, or the provision of employee facilities ancillary to the undertaking;
 - (ii) in the case of a warehouse, for storage or distribution for the purposes of the undertaking or the provision of employee facilities ancillary to the undertaking;

Comment: *The altered building would be existing employee facilities ancillary for the purposes of the undertaking, for research and development of products or industrial processes.*

- (b) no building as erected, extended or altered is used to provide employee facilities—
 - (i) between 7.00pm and 6.30am, for employees other than those present at the premises of the undertaking for the purpose of their employment; or
 - (ii) at all, if a quantity of a dangerous substance is present at the premises of the undertaking in a quantity equal to or exceeding the quantity listed in the entry for that substance in Parts 2 or 3 of Schedule 1 to the Control of Major Accident Hazards Regulations 1999;

Comment: *The building as extended, would comply with the above as a condition of the development.*

- (c) any new building erected is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the existing industrial building or warehouse; and

Comment: *The proposal is not for a new building.*

- (d) any extension or alteration is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended or altered.

Comment: *The building is not on article 2(3) land.*

Conclusion

The proposal has been considered against the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and is recommended for approval. The replacement roof as shown on the submitted plans at Cummins Turbo Technology, St Andrew's Road, Huddersfield, HD1 6RA would meet the criteria for permitted development as set out in Schedule 2, Part 7, Class H of the Town and Country Planning (General Permitted Development) Order 2015 subject to respective conditions as set out in paragraph H.2 of the same Order.

Recommendation: Grant Certificate

Decision Authorisation – Delegated Powers

Application Number: 2026/91391

Officer Recommendation:

The replacement roof as shown on the submitted plans at Cummins Turbo Technology, St Andrew's Road, Huddersfield, HD1 6RA would meet the criteria for permitted development as set out in Schedule 2, Part 7, Class H of the Town and Country Planning (General Permitted Development) Order 2015 subject to respective conditions as set out in paragraph H.2 of the same Order.

Plans and specifications schedule:-

Plan Type	Reference	Version	Date Received
Application form	PP-14936788		21 st May 2026
Covering letter	26C24		21 st May 2026
Location plan	26C24 - FBA - ZZ - XX - DR - A – 0101		21 st May 2026

Plan Type	Reference	Version	Date Received
Existing plans	26C24 – FBA – ZZ – XX – DR – A – 0700		21 st May 2026
	26C24 – FBA – ZZ – XX – DR – A – 0701		21 st May 2026

Dated: 13th July 2026