

11 June 2026

CROW003

Mr Mathias Franklin
Planning & Building Control
Kirklees Council
Civic Centre III
Market Street
Huddersfield
HD1 2JR

Dear Mathias

Unit 1, Fall Lane Industrial Units, Fall Lane, Marsden HD7 6BD

Certificate of Lawfulness of Proposed Use or Development: Proposed Electricity Sub-Station

I am pleased to submit a Certificate of Lawfulness for a proposed electricity sub-station. The application is submitted by John Edward Crowther Limited, the owner of the property, which requires a new sub-station. Following discussions with Northern Powergrid about the responsibility, and need, for planning approval, this application seeks to confirm that the proposed building is permitted development.

The application comprises:

- The relevant forms and certificates, provided on the Planning Portal under PP-15005550
- This covering letter
- Site Location Plan: Drawing C1131375CF dated 29-5-26, prepared by Northern Powergrid
- Proposed substation drawing: Drawing E131575_01_AD_GA, prepared by Envico Engineering
- General layout drawing: Drawing 01 B dated Februar 2026

This application seeks to determine whether the Council agree that this proposal is covered by Permitted Development Rights.

The location of the proposed sub-station is within the yard area of the industrial units, in the north western corner, where a small bunded area was recently removed to allow the sub-station to be constructed in that location. The proposed substation is a small GRP building, with dimensions of 3.9m x 3.9m (c. 15sqm) and standing at 2.6m to ridge.

J E Crowther, as the owners of the land, benefit from Permitted Development Rights associated with these industrial / warehousing buildings. The buildings were erected under a 1988 permission for a raw materials shed. It has since been split into 2 units which have been in industrial and warehousing uses.

There are several potential Rights under which this building could benefit from deemed permission:

a) Part 7 Class H¹ permits “*The erection, extension or alteration of an industrial building or a warehouse*”. The sub-station is an alteration to the units. This Right has a number of conditions and areas where development is not permitted. These include:

- Limits on floorspace (up to 200sqm which is significantly larger than this building);
- Not exceeding existing building floorspace by more than 50% or 1,000m (which this clearly would not- the current building is c. 4,500sqm / 48,000sqft);
- Not exceeding 15m in height, or the height of the highest building in the curtilage (which at 2.6m for the proposed sub-station, this clearly would not)
- Being with 5m of the curtilage (which this would not- it is around 45m to the site boundary)
- reducing space available for parking or vehicle turning (which this would not, given that it replaces the former bunded area)

The substation meets all of the requirements and conditions of Class H.

b) Part 7 Class I² gives permitted development rights for “*developments relating to an industrial process*”. This includes the provision of “other apparatus”. In this case, the sub-station could be reasonably interpreted as relating to the processes within the building, as these would not be able to operate without power

c) Part 10 Class A³ allows repairs to services. This includes the carrying out of any works for the purposes of renewing any sewer, pipe, cable or other apparatus. The sub-station is “other apparatus” which is being renewed as the current electrical connections, and associated cables and structures, are no longer adequate to support the building. There are no requirements or conditions for this Class.

d) Finally, Northern Powergrid also have extensive PD rights- under Part 15 Class B⁴, which they might seek to utilise in their capacity as a statutory undertaker.

Clearly, there are several available routes to conclude that this very minor proposal benefits from a deemed permission under PD rights. It is hoped that a determination that this structure does not need permission will allow the electricity supply to be upgraded, which will allow the units to be let.

If I can be of further assistance on this matter, please do let me know.

Yours sincerely

¹ [The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015.](#)

² [The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#)

³ [The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#)

⁴ [The Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#)

Matthew Sheppard

Director

Sheppard Planning Ltd