KIRKLEES METROPOLITAN COUNCIL
DEVELOPMENT & MASTER PLANNING SERVICE

DEVELOPMENT MANAGEMENT

Town and Country Planning (General Permitted Development) (England) Order 2015(as amended) - Schedule 2, Part 3, Class MA

DELEGATED DECISION FOR PRIOR APPROVAL FOR CHANGE OF USE FROM COMMERCIAL, BUSINESS AND SERVICE USES TO DWELLINGHOUSES

Reference no.	**2026/CL/91934/W**
Site Address	**14, Park Drive, Huddersfield, HD1 4EB**
Description	**Prior notification for change of use from commercial/business/service to one dwelling (within a Conservation Area)**
Recommending Officer	**Jennifer Booth**

DECISION – 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:01-Sep-2026

Officer Report

Reference No. 2026/CLASS MA/91934
Site Address: 14, Park Drive, Huddersfield, HD1 4EB
Proposal: Prior notification for change of use from commercial/business/service to 1 dwelling (within a Conservation Area).

Site Description

The application site is a single storey outbuilding to the rear of a larger property. It appears that the building has been used as an office with the change of use occurring at some point after a planning application in 2015 although at the time of the site visit, the unit was empty.

The site is within a residential area within Huddersfield. In general, the houses in the area vary in terms of age and style although are relatively traditional in character. The properties are larger Victorian buildings, some with subdivisions into apartments.

Description of Proposal

The proposal seeks prior approval for the change of use from a commercial building (Class E) to one dwelling (Class C3) under Class MA of the General Permitted Development Order (2015) (as amended). The proposal would convert the existing building into a one bedroomed dwelling with dividing walls added internally to form a lounge, kitchen, shower room and bedroom. No external alterations are proposed as part of the application.

History of Negotiations

No amendments or additional plans have been sought or received during the course of the application.

Relevant Planning History

- 2015/91096 – Alterations to convert block of 5 flats to 8 flats for student accommodation, and garage to office studio and erection of boundary wall and bike store to rear (within a Conservation Area) - approved

Representations

The application was publicised by site notice, which expired on 17/08/2026. As a result of the above publicity, no representations have been received.

Procedural Matters

The above described proposal constitutes development as defined within Section 55 of the Town and Country Planning Act 1990. The General Permitted Development Order 2015 Schedule 2 Part 3 Class MA (as amended) permits the following development:

'MA. Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.'

The proposal is considered to be covered within this Class, and is thus authorised subject to the restrictions, conditions and prior notification procedure outlined in Paragraphs MA.1, MA.2 and MA.3.

Limitations for Part 3, Class MA.1 Development

Development is not permitted:-

(a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval	Sub-paragraph (a) has been omitted.
(b) unless the use of the building fell within one or more of the classes specified in sub-paragraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;	**Pass:** The use of the building has been Class E at least over the last two year period.
(c) The cumulative floor space of the existing building changing use under Class MA exceeds 1500 square metres;	Sub-paragraph (c) has been omitted
(d) if land covered by, or within the curtilage of, the building— (i)is or forms part of a site of special scientific interest; (ii)is or forms part of a listed building or land within its curtilage; (iii)is or forms part of a scheduled monument or land within its curtilage; (iv)is or forms part of a safety hazard area; or (v)is or forms part of a military	**Pass:** The land covered by, or within the curtilage of, the building does not all within any of the categories labelled from i to v.

explosives storage area;	
(e) if the building is within— (i)an area of outstanding natural beauty; (ii)an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981(3); (iii)the Broads; (iv)a National Park; or (v)a World Heritage Site;	**Pass:** The building is not in any category in Paragraph (e).
(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;	**Pass:** The site is not occupied under any agricultural tenancy
(g) before 1 August 2022, if— (i)the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and (ii)the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.	**Pass:** The building is not within any land affected by an Article 4 Direction.

Paragraph MA.2 outlines a set of three conditions that the developer must adhere to. MA.2(2) states:

‘(2) Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport impacts of the development, particularly to ensure safe site access;
(b) contamination risks in relation to the building;
(c) flooding risks in relation to the building;
(d) impacts of noise from commercial premises on the intended occupiers of the development;
(e) where—
    (i) the building is located in a conservation area, and

(ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;

(h) where the development involves the loss of services provided by—

(i) a registered nursery, or

(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 2006, the impact on the local provision of the type of services (lost, and

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building'

Paragraph MA.3 stipulates the need for the developer to comply with Paragraph MA.2(2)(i) which ensures developments meet the fire risk condition, the fire safety impacts on the intended occupants of the building.

Assessment

As per Part 3, Class MA, Paragraph MA.2(2), the local planning authority must assess the application seeking prior approval in accordance with the provisions paragraph W of Part 3.

Amongst other things, Para W requires that the LPA, when determining the application, must have regard to the National Planning Policy Framework so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

<u>Transport and Highway Impacts</u>

The proposal seeks prior notification for the change of use of an existing commercial building to a one bed dwelling. The site is considered to be located within a relatively sustainable location with good access to public transport. The proposal benefits from on-site parking provision, shared with the apartments in the main building.. Accordingly, the development will provide sufficient on-site parking. It is also noted that the proposed change of use is likely to reduce the level of activity and vehicle movements compared with the existing Class E use. While detailed waste storage arrangements have not been submitted, the site offers ample space to accommodate bin storage, with collection easily facilitated from the site frontage. On this basis, the proposal is considered acceptable in highway terms.

Contamination Risks

The site is not located within an area of potentially contaminated land and all construction works are to be internal. As such, officers have no concerns with regard to contamination risks.

Flooding Risks

Chapter 18 ('Managing flood risk and coastal change') is relevant.

The site does not fall within a flood risk zone and there are no known flood risks associated with the site. The proposal is therefore considered to be acceptable in this regard.

Noise Impacts

Chapter 17 of the NPPF sets out that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

MA.2(2)(d) requires the LPA to assess impacts of noise from commercial premises on the intended occupiers of the development. The building would be altered to residential use and is surrounded by predominately residential properties. Given this context, the proposed residential use is regarded as compatible with neighbouring uses, and any potential noise impact is concluded to be acceptable.

Conservation Area

HE6 of the NPPF states: "*When considering the potential effect of a development proposal on the significance of a designated heritage asset, substantial weight should be given to the asset's conservation 95 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential effect amounts to a positive effect, harm, substantial harm, or total loss of its significance.".*

This is further supported by paragraphs 5 of HE6 of the NPPF, which outline that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this weight should be weighed against the public benefits of the proposal.

MA.2(2)(e) requires the LPA to consider the heritage impacts of the development *'where (i)the building is located in a conservation area, and (ii)the development*

involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area.'

The application site is situated within the Edgerton Conservation Area. As no external alterations are proposed, the change of use to residential accommodation is considered to have an impact such that no harm is considered to arise.

The proposal is not considered to result in any harm to visual harm or adversely affect the character, appearance, or significance of the Conservation Area or nearby listed buildings. This conclusion is drawn given that the proposal would utilise the existing building and openings and no alterations to the surfacing within the curtilage of the building would be necessary.

Provision of Natural Light

Policies within Chapter 12 of the National Planning Policy Framework seeks to ensure development has an acceptable impact upon the amenity of neighbouring occupiers.

MA.2(2)(f) requires the provision of adequate natural light to all habitable rooms of the dwellinghouse. The submitted plans confirm that the dwelling would benefit from a number of windows to the north, east and west facing elevations which would serve all habitable rooms. Therefore, it is considered that the property would receive adequate natural light and as such, would be acceptable with regard to MA.2(2)(f).

Commercial Impacts

MA.2(2)(g) is not considered applicable as the authority do not consider the surrounding area to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses. Furthermore, the proposal does not result in the loss of a nursery or health care centre and would therefore accord with MA.2(2)(h).

Fire Risk

MA.2(2)(i) states that where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building. The development is for one dwelling which would not exceed the height of the building as outlined within article 9A of the General Management Procedure Order 2015. Therefore, the proposal would meet the fire risk condition.

Space Standards

Article 3(9A) of the Town and Country Planning (General Permitted Development) (England) Order (as amended) precludes any grant of planning permission where the gross floor area of any new dwelling does not exceed 37 sq. metres or does not meet nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

The proposal has been considered against the nationally described space standard which requires that a single-storey, one bedroom dwelling has an internal floor area of 37m^2. The floor area of the property is approx. 33 m^2 factoring in the internal measurement. This has been calculated from measurements taken from submitted plans. Although the annotation indicates 39m2, this has not factored in the internal dimensions.

Paragraph W(3) of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order sets out that '*the local planning authority may refuse an application where, in the opinion of the authority—*

(a) the proposed development does not comply with, or
(b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with,

any conditions (except for conditions in paragraph MA.2(1)(f)) limitations or restrictions specified in this Part as being applicable to the development in question.'

The proposal does not satisfactorily demonstrate compliance with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015. Therefore the proposed development could not meet the requirement of Article 3(9A) of the Town and Country Planning (General Permitted Development) (England) Order (as amended).

Refusal on the basis the development would fail to meet the requirements of Article 3(9)A of the Town and Country Planning (General Permitted Development) (England) Order (as amended) is therefore recommended.

Representations

No representations were received following the statutory publicity.

Conclusion

The application has been submitted with sufficient information to allow the Local Authority to assess the above relevant impacts. In this case the development fails to

meet the requirements of Article 3(9)A of the Town and Country Planning (General Permitted Development).

Recommendation: Details refused
Decision Authorisation – Delegated Powers
Application Number: 2026/91934
Officer Recommendation: Refuse Details

Article 3(9)A of the Town and Country Planning (General Permitted Development) (England) Order (as amended) precludes any grant of planning permission where the gross floor area of any new dwelling does not exceed 37m^2 or does not meet nationally described space standards issued by the Department of Communities and Local Government on 27th March 2015.

The nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015 requires a single storey one bed dwelling to achieve a floorspace of 37m^2. The building the subject of this application could only achieve a floorspace of approximately 33m^2 and is thus contrary to the requirement of Article 3(9)A.

Plans and specifications schedule: -

Plan Type	Reference	Web ID	Date Received
Location plan	PP-15070789v1	1148948	09/07/2026
site plan	14_PD_SP_E	1148949	09/07/2026
Floor plans	-	1148951	09/07/2026
Elevations	14_PD_E_E	1148950	09/07/2026

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 and guidance in the National Planning Policy Framework, the Local Planning Authority have, where possible, made a pre-application advice service available, complied with the Kirklees Development Management Charter 2024 and otherwise actively engaged with the applicant in dealing with the application. The building cannot provide the requisite floor space to meet the requirements of the relevant permitted development legislation. As such, there are no changes which could be requested which would remain within the scope of the submission.

Report Dated: 28/08/2026