
2026/0557

Mollie Cubbin

Birthwaite Business Park, Huddersfield Road, Darton, Barnsley, S75 5JS

Certificate of Lawful Development for the proposed laying of hardstanding to form car parking area (under Schedule 2, Part 7, Class J of the GDPO)

Site Description

The application site sits within the Premdor site which comprises of several large B2/B8 units associated with the business. It is set back approximately 150m from the entrance of the business park via Huddersfield Road and forms part of the established Birthwaite Business Park, with the existing manufacturing and warehouse buildings within the Premdor site lying immediately to the north.

Planning History

2019/0541 – Installation of new extract and filtration plant and associated works – Approved
24.07.2019

2022/1161 – Extension to existing pallet store – Approved 04.01.2023

2023/1016 – Erection of 2no. B2/B8 employment units (11,010 sqm gross) with associated parking, service yard, pallet store, relocation of security hut, vehicle canopy, hard and soft landscaping and associated works – Approved 22.10.2025

B/92/1189/DT Erection of link between units 2 and 4 and re-arrangement of parking / servicing layout - Approved

B/92/1345/DT Illuminated signs to Unit 3 (Regent Doors PLC) - Approved

B/93/1500/DT Two signboards - Approved

B/97/0565/DT Display of electricity sub-station and single storey compressor house - Approved

Proposed Development

This application is for a lawful development certificate seeks confirmation that a proposed development of a new hardstanding car park area is permitted development as stated in Schedule 2, Part 7, Class J of the GDPO.

Relevant Policies / Legislation

Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO), Schedule 2, Part 7 Class J – Hard surfaces for industrial and warehouse premises:

Permitted development

J. Development consisting of—

- (a) the provision of a hard surface within the curtilage of an industrial building or warehouse to be used for the purpose of the undertaking concerned; or*
- (b) the replacement in whole or in part of such a surface.*

Development not permitted

J.1 Development is not permitted by Class J if the development would be within the curtilage of a listed building.

Conditions

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

- (a) where there is a risk of groundwater contamination the hard surface must not be made of porous materials; and
- (b) in all other cases, either—
 - (i) the hard surface is made of porous materials, or
 - (ii) provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the industrial building or warehouse.

Town and Country Planning Act 1992 Certificate of lawfulness of proposed use or development:

1) If any person wishes to ascertain whether—

- (a) any proposed use of buildings or other land; or
 - (b) any operations proposed to be carried out in, on, over or under land,
- would be lawful, he may make an application for the purpose to the local planning authority specifying the land and describing the use or operations in question.

Representations and Consultations

There is no statutory requirement for a Local Planning Authority to consult third parties, including neighbouring residents or parish councils on a lawful development certificate application, since such applications are a matter of fact and law and are not determined on planning merits or judged against national and local planning policies and guidance. Nevertheless, this application was made available online. No comments were received.

Assessment

Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO), Schedule 2, Part 7 Class J – Hard surfaces for industrial and warehouse premises:

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The application site is located within the curtilage of an existing industrial building and the proposed hardstanding is to be used for parking purposes associated with the lawful operation of that business. The proposal therefore satisfies the requirements of Class J(a).

There are no listed buildings within the application site and, as such, the proposal complies with the requirements of Class J.1.

A Phase 1 Environmental Report previously submitted in support of application 2023/1016 identified that the underlying Pennine Lower Coal Measures and Haigh Moor Rock Principal Aquifer are highly vulnerable to pollution. The report advises that groundwater resources within the area have limited natural protection and that additional measures should be implemented to minimise the risk of contamination arising from surface spillages.

In light of the site's hydrogeological sensitivities, it is considered necessary to ensure that surfacing materials do not facilitate the infiltration of potentially contaminated surface water into the ground. The proposed hardstanding is therefore to be constructed using an impermeable tarmac surface rather than porous materials. Consequently, the proposal complies with the conditions set out in Class J.2.

Having regard to the above, it is considered that the proposal satisfies all relevant criteria set out within Schedule 2, Part 7, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The laying of hardstanding at the site therefore constitutes permitted development and does not require planning permission.

Recommendation

Lawful Development Certificate – Granted with conditions

1. The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission:
Proposed Layout 2026_06_04-Model-1
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Location Plan Drawing No: ELG-001
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.
2. The hardstanding hereby approved shall be constructed using non-porous and impermeable surfacing materials only and shall not incorporate any permeable or porous paving, surfacing or drainage system that allows the direct infiltration of surface water into the ground.
Reason: In the interests of protecting groundwater resources from potential contamination in accordance with Schedule 2, Part 7, Class J of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).