Planning

Growth & Development

Delegated officer report for planning application

Application no.	144233/LP/2025
Date registered valid:	9 October 2025
Proposal:	Extension to existing plant room, amendment to armco barriers, new transformer and substation.
Address:	DHL, 2 Sunbank Lane, Manchester, WA15 0AF
Ward(s):	Woodhouse Park Ward
Applicant:	DHL International (UK) Ltd
Agent (if any):	Mrs Katherine Sneeden Jigsaw Planning
Case officer:	Robert Tyrer Tel: 0161 234 4068 Email: robert.tyrer@manchester.gov.uk
Recommendation:	Grant
Date of recommendation:	3 December 2025

Application details

Type of application: Certificate Lawful Development Proposed

Development type: Certificates of lawfulness

Date of site visit: Not Required

Standard consultations:
Printed: 17 October 2025 Expired: 7 November 2025

Neighbour notifications
No neighbour notifications have been printed and sent.

Site notice
No site notice has been produced

Press advert
No press advert had been published

Departure from Development Plan: No

Environmental Statement: Not required

Description of site/building

The application site relates to a large warehouse and with ancillary offices (Use Class B8) that is close to Manchester Airport.

Listed building: Not applicable

Conservation area: Not applicable

Tree Preservation Order: Not applicable

Description of development

The applicant is seeking a certificate of proposed lawful development for an extension to existing plant room, amendment to armco barriers, new transformer and substation.

Consultations & Notification Responses

None Required - There is no statutory requirement to consult third parties including neighbours; views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application.

Manchester Airport Safeguarding Officer - However, given the proximity to Manchester Airport comments were sought from the Manchester Airport Safeguarding Officer who raised no objection to the proposal.

Planning History - This site has been subject to multiple planning applications. The details of those most relevant to the current proposal are summarised below:

102611/MO/2013/S2 – A reserved matters application was **approved** on **25 September 2013** for the appearance, landscaping, layout, and scale of an 11.5-metre-high logistics building with associated parking and servicing facilities.

100263/OO/2012/S2 – An outline planning application was **approved** on **18 December 2012** for a World Logistic Hub comprising B8 logistic space with ancillary B1 office (131,000 m²) with ancillary amenity/retail space and landscaping and ecology mitigation area

Legislative Issues

Sections 191 and 192 of the Town and Country Planning Act 1990 provide for anyone (not just a person with a legal interest in the land) to apply to the local planning authority (LPA) for a lawful development certificate (LDC). A certificate is a statutory document certifying:

(1) in the case of an application under section 191, the lawfulness, for planning purposes, of existing operations on, or use of land, or some activity being carried out in breach of a planning condition; or

(2) in the case of an application under section 192, the lawfulness of proposed operations on, or use of land.

The onus of proof in regard to (1) is firmly on the applicant and the issue of a certificate will depend on the on factual evidence provided about the history and planning status of the building or other land and the interpretation of any relevant planning law or judicial authority. The relevant test of the evidence in this matter is “the balance of probability” and the applicants own evidence does not need to be corroborated by independent evidence. If the LPA have no evidence to contradict the applicants version of events or make them less then probable, there is no good reason to refuse the issue of a certificate.

In regard to (2), this provides that, if the LPA are supplied with information satisfying them that the use or operations described in the application would be lawful, if instituted or begun at the time of the application, they shall issue a certificate to that effect; and, in any other case, they shall refuse the application.

In short, the purpose section 192 is to enable any person who wishes to find out whether any proposed use or operations would be lawful to apply to the LPA for that purpose

The application needs to describe the proposal with sufficient clarity and precision to enable the LPA to understand (from a written description and plans) exactly what is involved in the proposal; and to submit whatever supporting information or legal submission that are to be relied upon in order to satisfy the LPA that a certificate should be granted for the proposal.

In making their decision on an application under section 192, the LPA ask themselves the hypothetical question - *"If this proposed change of use had already occurred, or if this proposed operation had commenced, on the application date, would it have been lawful for planning purposes?"* In doing so, the LPA will not only consider whether the proposal would involve "development" requiring an application for planning permission, but whether it would involve a breach of any existing condition or limitation imposed on a grant of planning permission which has been acted upon, and which therefore constrains what can be done on the land. The LPA will not make a proposal fit a scenario; the only question is whether the proposal made by the applicant is lawful at the time of submission.

The Application

This application is pursued under subsection (1) of section 192, which provides for an application to determine whether any proposed use or operations would be lawful for planning purposes.

Legal Framework

The proposal will be considered under Schedule 2, Part 7, Class H of the Town and Country (General Permitted Development) Order 2015 (as amended), which is the relevant legislation for determining certificates extensions etc of industrial and warehouse.

The Assessment

The applicant is seeking a certificate of proposed lawful development for:

- Extension to existing plant room,
- Amendment to armco barriers,
- New transformer and substation.

The following table outlines the compliance of the proposed development with the relevant paragraphs of Class H:

Paragraph	Development is not permitted by Class H if—	Complies
H.1	(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. (ii) in any other case, would exceed 200 square metres;	N/A
	(b) 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); (ii) 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); (iii) in any other case, 50% or 1,000 square metres (whichever is the lesser);	Yes (iii)
	(c) 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; (ii) in all other cases, the height of the highest building within the curtilage of the premises or 15 metres, whichever is lower;	N/A
	(d) 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; (ii) in all other cases, the height of the building being extended or altered;	Yes
	(e) any part of the development would be within 5 metres of any boundary of the curtilage of the premises;	Yes
	(f) the development would lead to a reduction in the space available for the parking or turning of vehicles; or	Yes
	(g) the development would be within the curtilage of a listed building.	N/A

Conditions

Paragraph	Development is permitted by Class H subject to the following conditions—	Complies
H.2	(a) the development is within the curtilage of an existing industrial building or warehouse;	Yes
	(b) 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;	Yes
	(c) 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[91];	Yes
	(d) 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	N/A
	(e) 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.	N/A

Summary

The assessment above confirms that the proposed extension to existing plant room, proposed transformer and substation are considered to comply with the relevant paragraphs and conditions of Schedule 2, Part 7, Class H of the Town and Country (General Permitted Development) Order 2015 (as amended).

The associated relocation of the armco barriers are considered to comply with the relevant paragraphs and conditions of Schedule 2, Part 2, Class A of the Town and Country (General Permitted Development) Order 2015 (as amended) in so far as the height would not exceed 2 metres above ground level.

Other Legislative Requirements

Equality Act 2010

Section 149 (Public Sector Equality Duty) of the Equality Act 2010 requires due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act and; Advance equality of opportunity between persons who share a protected characteristic and persons who do not share it. The Equality Duty does not impose a legal requirement to conduct an Equality Impact Assessment. Compliance with the Equality Duty involves consciously thinking about the aims of the Equality Duty as part of the process of decision-making.

Human Rights Act 1998 considerations
This application needs to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants (and those third parties, including local residents, who have made representations) have a right to a fair hearing and to this end the local planning authority must give full consideration to their comments.

Protocol 1 Article 1, and Article 8 where appropriate, confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Core Strategy and saved polices of the Unitary Development Plan, the Director of Planning, Building Control & Licensing has concluded that some rights conferred by these articles on the applicant(s)/objector(s)/resident(s) and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. She believes that any restriction on these rights posed by the recommendation given is proportionate to the wider benefits of and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

Recommendation: Grant

Condition(s) to be attached to decision for approval OR Reasons for recommendation to refuse

1. The proposed extension to existing plant room, proposed transformer and substation, as shown on drawings CPS 24 100 004 B, CPS 24 100 005 B and CPS 24 100 006 B would comply with Schedule 2, Part 2, Class H of the Town and Country (General Permitted Development) Order 2015 (as amended) and therefore constitute permitted development.

2. The amendment to armco barriers, as shown on drawings CPS 24 100 004 B, CPS 24 100 005 B and CPS 24 100 006 B would constitute permitted development would comply with Schedule 2, Part 2, Class A of the Town and Country (General Permitted Development) Order 2015 (as amended) and therefore constitute permitted development.

Informative

1) The applicant's attention is drawn to the procedures for crane and tall equipment notifications, please see: https://www.caa.co.uk/Commercial-industry/Airspace/Event-and-obstacle-notification/Crane-notification/

Appendix 1 – List of consultees & neighbours notified

Manchester Airport Safeguarding Officer

Appendix 2 – Planning constraints

Article 4 Direction - Removal Of PD Rights Change Of Use From Class C3 To Class C4
Green Belt Land - Greater Manchester Green Belt Local Plan 1984
Airport Noise Index Zone - Noise and Nuisance Index - 40-49
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Susceptible to Surf Water Flood (Less) -
Area Team Boundary - Name: SOUTH AREA