

**KIRKLEES METROPOLITAN COUNCIL
INVESTMENT & REGENERATION SERVICE**

DEVELOPMENT MANAGEMENT

**Town and Country Planning (General Permitted Development) (England)
Order 2015 - Schedule 2, Part 6**

**DELEGATED DECISION FOR DISCHARGE OF CONDITION -
NOTIFICATION OF AGRICULTURAL DEVELOPMENT**

Reference no.	2018/N /91694/E
Site Address	Lower Chatts Farm, 155, Cliff Hollins Lane, East Bierley, BD12 7ET
Description	Prior notification for erection of agricultural building
Recommending Officer	Anthony Monaghan

DECISION - REFUSE

**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.**

Julia Steadman

AUTHORISED OFFICER

Date: 19-Jun-2018

OFFICER REPORT

SITE DESCRIPTION

The application relates to Lower Chatts Farm, Cliff Hollins lane, East Bierley; the site appears to be mainly used for equestrian activities; there is large outdoor arena and stables within the site. Adjacent to the arena is a large agricultural type building.

The site is mainly surrounded by open fields although across Cliff Hollins Lane is Cliff Hollins Farm, a large cattle farm.

DESCRIPTION OF PROPOSAL

The proposal is an application for prior notification for the erection of an agricultural building. The building would measure 15m x 7.5m x 4.5 m to the ridge and 4m to the eaves and would have a shallow, mono-pitched roof. The building would be constructed from of natural stone with olive green boxed profile metal sheeting above. The roof would also be of olive green metal sheeting.

The described use would be for the storage of machinery used in cutting and making of haylage.

The submission includes a supporting statement.

HISTORY OF NEGOTIATIONS (including revisions to the scheme):

None.

RELEVANT HISTORY

2016/91679 Erection of detached garage and formation of replacement outdoor paddock/arena. Approved.

2005/92996 Re-use and adaptation of existing barn to form granny flat. Approved.

2001/92831 Erection of stable blocks and agricultural barn and formation of car parking. Approved.

POLICY

Statutory Instruments

The relevant policy is the Town and Country Planning (General Permitted Development) Order 2015, Schedule 2. Part 6, Class A.

The site is allocated as being within the Green Belt on the UDP.

CONSULTATION RESPONSES

None required.

PUBLIC/MEMBERS RESPONSE

Publicity not required.

ASSESSMENT

Paragraph (2) of class A requires the developer to apply in writing to the local planning authority for a determination as to whether the prior approval is required for the siting, design and external appearance of the building. As part of the assessment the local authority should determine whether or not the proposals comply with the requirements and conditions of The Town and Country Planning (General Permitted Development) Order 2015, Schedule 2. Part 6, Class A.

The GPDO states that the building must be reasonably necessary for the purposes of agriculture within that “unit”. The building would have a floor area of approximately 114 square metres which is within the area allowed under permitted development allowed by Class A of Part 6 of the GPDO.

Paragraph A.1 of Part 6 of the GPDO lists a number of qualifying criteria for the proposed building to be permitted development. Sub- Paragraph (h) requires that the proposed building is not within 25m of the metalled part of a trunk or classified road.

Cliff Hollins Lane is a “C” class road, the C547, and the proposed building would be sited immediately adjacent to the boundary and less than 25m from the metalled part of this road. As such the development is not permitted by Class A of Part 6 of the GPDO.

Given that the proposals do not benefit from the permitted development rights of Class A of Part 6 of the GPDO, no further assessment is necessary of the proposals in relation to the conditions of Part 6.

RECOMMENDATION

Refuse

Decision Authorisation - Delegated Powers

Application Number: 2018/91694

Officer Recommendation: Refuse

1. Part of the proposed agricultural building would be within 25 metres of a metalled part of a classified road, the C547, Cliff Hollins Lane, as defined by sub-paragraph (h) of paragraph A.1 of Part 6 of the General Permitted Development Order 2015 (amended 2018). As such the proposals would not benefit from the permitted development rights of the said order and a full application would be required.

NOTE: it is brought to the attention of the applicant that no assessment has been made in the application as to the requirement of the building for agricultural purposes. The applicant should refer to the Council's validation requirements for agricultural buildings (Section A33) before re-submitting a full application for the proposed development.

<http://www.kirklees.gov.uk/beta/planning-applications/pdf/validation-checklist-guidance.pdf>

Plans and specification schedule:-

Plan Type	Reference	Version	Date Received
Location Plan/site plan.	1828 A(10)-02	1	24/05/18
Grouped plans and elevations.	1828 A(10)-01	1	24/05/18

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 and otherwise actively engaged with the applicant in dealing with the application.

No discussions were necessary with the applicant or Agent during the course of the application.

Report dated 18/06/18